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# PENNSYLVANIA BULLETIN

Volume 32

Number 16

Saturday, April 20, 2002 • Harrisburg, Pa.

Pages 1949—2100

**Agencies in this issue:**

The General Assembly  
The Courts  
Department of Agriculture  
Department of Banking  
Department of Education  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Public Welfare  
Environmental Hearing Board  
Fish and Boat Commission  
Independent Regulatory Review Commission  
Insurance Department  
Legislative Reference Bureau  
Liquor Control Board  
Pennsylvania Public Utility Commission  
State Board for Certification of Water and  
Wastewater Systems Operators  
State Board of Funeral Directors

**Detailed list of contents appears inside.**



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**Latest Pennsylvania Code Reporter  
(Master Transmittal Sheet):**

**No. 329, April 2002**

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# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## ***Pennsylvania Bulletin***

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

## **Adoption, Amendment or Repeal of Regulations**

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

*Bulletin* before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

## **Citation to the *Pennsylvania Bulletin***

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

## ***Pennsylvania Code***

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

## **How to Find Documents**

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

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### Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [ ] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

### Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2002.

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# THE GENERAL ASSEMBLY

## COMMISSION ON SENTENCING

### Meetings Scheduled

The Commission on Sentencing announces the following public meetings, to be held at The Crowne Plaza Hotel, 23 South Second Street, Harrisburg, PA 17101 and at the Capitol, Room 60 East Wing, Harrisburg, PA 17120:

Tuesday, May 14, 2002	Dinner/Work Session (Work session begins at 7:30 p.m.) The Crowne Plaza Hotel	6:30 p.m.
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Wednesday, May 15, 2002	Quarterly Commission Meeting The Capitol, Room 60 East Wing	9 a.m.
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MARK H. BERGSTROM,  
*Executive Director*

[Pa.B. Doc. No. 02-613. Filed for public inspection April 19, 2002, 9:00 a.m.]

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# THE COURTS

## Title 255—LOCAL COURT RULES

### BUCKS COUNTY

#### Judicial and Related Account

##### Order

*And Now*, this 5th day of March, 2002, the original Order of November 9, 1978 establishing the Judicial and Related Account, and subsequently amended August 6, 1993 and September 8, 1999 is hereby amended as follows:

The Judicial and Related Account shall be composed of the following budget accounts:

1. 0135—Domestic Relations
2. 0139—Law Library
3. 0140—Main Courts
4. 0141—Grand Jury
5. 0142—Jury Commissioners
6. 0147—Court Stenographers
7. 0151—Adult Probation & Parole
8. 0152—0153—Juvenile Probation
9. 0321-0371—Group Home #1 (County)
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and such other accounts as the Court may from time to time direct.

In all other respects, Administrative Order No. 1 dated November 9, 1978, remains in full force and effect.

This Order to be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

R. BARRY MCANDREWS,  
*President Judge*

[Pa.B. Doc. No. 02-614. Filed for public inspection April 19, 2002, 9:00 a.m.]

### BUTLER COUNTY

#### Local Rules of Court; MsD No. 02-40083

##### Administrative Order of Court

*And Now*, this 28th day of March, 2002, it is hereby ordered and decreed that Local Rule L1915.1—12, adopted December 16, 1986 and Local Rule L1910.12, adopted September 23, 1992 and Local Rule 1920.3—63 are *Rescinded* effective thirty days after publication of this notice in the *Pennsylvania Bulletin*.

It is further ordered and directed new Local Rules L1905, L1910.12, L1915.1—13 and L1920.33—55 are *Adopted* effective thirty days after publication of the within Local Rules of Civil Procedure in the *Pennsylvania Bulletin*.

The Court directs the Court Administrator to:

1. File seven (7) certified copies of this Administrative Order and the within Local Rules of Civil Procedure with the Administrative Office of the Pennsylvania Courts.

2. File two (2) certified copies of this Administrative Order and the within Local Rules of Civil Procedure and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy of this Administrative Order and the within Local Rules of Civil Procedure with the Domestic Relations Procedural Rules Committee.

4. Forward one (1) copy of this Administrative Order and the within Local Rules of Civil Procedure to the administrative office of the *Butler County Legal Journal* for publication.

5. Forward one (1) copy of this Administrative Order and the within Local Rules of Civil Procedure to the Butler County Law Library.

6. Keep continuously available for public inspection copies of this Administrative Order of Court and the within Local Rules of Court in the Office of the Butler County Prothonotary, the Domestic Relations Section and the Office of the Court Administrator.

*By the Court*

THOMAS J. DOERR,  
*President Judge*

**PROTECTION FROM ABUSE****L1905.**

At any time that the Court of Common Pleas in Butler County is participating in any program to develop a data base for Protection from Abuse Orders, only orders produced by that system shall be presented to the Court for review and signature.

**SUPPORT MATTERS****L1910.4. Domestic Relations Fee Schedule.**

(a) A fee for Domestic Relations administrative costs, for the filing of support complaints, petitions to modify support orders, issuance of bench warrants, petitions for contempt, and other related fees shall be as established by Order of Court from time to time.

(b) Except for the filing of an initial support complaint, the fees shall be required to be paid in advance. All fees shall be collected and administered by Domestic Relations personnel.

**L1910.11. Motions To Continue Support Conferences and Hearings.**

Support matters scheduled before the Court or in the Domestic Relations Section shall be continued only by leave of Court, with good cause shown. For such a request to be considered, the motion shall be filed with the Court in accordance with local civil motions practice procedure. All motions for continuance shall be filed no later than fifteen days (15) before the scheduled support conference or hearing.

**CUSTODY AND VISITATION****L1915.1. Scope. Definitions.**

(a) These Rules govern all actions for custody, partial custody and visitation, including original actions, petitions to modify decrees and contempts.

(b) These Rules supplement the Pennsylvania Rules of Civil Procedure governing custody actions, Pa.R.C.P. 1915.1 et. seq.

(c) These Rules modify Rule L1915.1—L1915.15 of the Butler County Local Rules of Court of December 16, 1986.

**L1915.3. Commencement of Action. Complaint. Order. Service.**

(a) All custody complaints shall be filed with the Prothonotary.

(b) In addition to the filing fees assessed for the filing of complaints, an additional administrative fee shall be assessed by order of court, and shall be submitted to the Prothonotary at the time of the filing of the custody complaint unless otherwise directed by the court.

(c) After filing, all complaints or motions for conferences shall be immediately forwarded to the Custody Conciliator's Office which shall set the time, date, and place for a custody conference. Said conference shall be held no less than twenty, nor more than forty days from the filing of the complaint/order or motion/order.

(d) Within twenty days of service of any claim for custody, partial custody, or visitation, any party to an action who has not previously attended the education seminar for divided families shall register to attend said seminar. Information concerning this seminar shall be provided by the Prothonotary of the Court of Common Pleas of Butler County, Pennsylvania, to the filing party.

Said party shall be responsible for service of such information on the opposing party.

If a party or a child of either party is or has been the subject of domestic violence or child abuse either during the pendency of the action or within 24 months preceding the filing of the action, upon request of either party to the seminar provider, the parties will be scheduled for separate education seminar sessions.

(e) Fees and policies pertaining to custody conciliation shall be adopted from time to time by administrative Order of Court. A copy of said policies and fee schedule will be available at the Domestic Relations Office/Custody Conciliator's Office.

**L1915.4.**

(a) The complaint/order or motion/order shall be served by the moving party in accordance with Pennsylvania Rules of Civil Procedure.

(b) Proof of service of the complaint and order or motion and order shall be filed with the court prior to the custody conference.

(c) Within 180 days of the filing of the complaint for custody, partial custody and/or visitation of minor children, unless extended for custody evaluations or other good cause, upon request of either party, the conciliator may file a motion or a request for a trial before a judge. If neither party makes such a request, and a motion or request for a trial is not made or pursuant to 1915.7(e), the matter shall be dismissed or deemed concluded unless an extension for good cause has been granted.

**L1915.4-1. Motions To Continue Conciliator Conferences and Court Hearings.**

Custody matters scheduled before the Court or in the Custody Conciliator's Office shall be continued only by leave of Court, with good cause shown. For such a request to be considered, the motion shall be filed with the Court in accordance with local civil motions practice procedure. All motions for continuance shall be filed no later than fifteen days (15) before the scheduled custody conference or hearing.

**L1915.5. Jurisdiction/Venue, Standing, and Relocation Issues.**

(a) The court may direct that issues pertaining to jurisdiction/venue, standing, and relocation be referred to custody conciliation.

(b) Alternatively the court may schedule a hearing before the court for disposition of the jurisdiction/venue, standing, and relocation issue. In such a case the court may continue the custody conference until a decision is rendered by the court on the issue.

**L1915.7. Custody Conciliation Conference Consents and Recommendations.**

(a) All parties, and any child of appropriate age (nine or above) for whom custody or visitation is sought shall be present at the custody conciliation conference unless excused by the custody conciliator. Failure of a party to appear at the conference may result in the entry of a custody or visitation order by the court on the recommendation of the conciliator in the absence of that party.

(b) The court-appointed custody conciliator shall encourage consent agreements on the custody issues pending among the parties. If agreements are reached, they shall be reduced to writing and submitted to the court for

an order. The parties will also be encouraged to equitably divide the custody administrative fee.

(c) If no consent agreement is reached, the conciliator shall file a report with the court within five days of the conference which may contain the following:

(1) recommendations that custody investigations, such as physical or mental evaluations, home studies, drug and alcohol evaluations, counseling, education seminars, be undertaken, as well as an equitable division of fees for same;

(2) conciliator's review of jurisdiction/venue, standing, and relocation issues;

(3) progress, if any, on the issues before the conciliator, as well as any recommendations for temporary custody/visitation orders, including the need for an expedited hearing in emergency cases. At the request of either party, the report under this subsection shall be filed with the Court before the judge assigned that case and presented at his/her next motion court. The parties and/or the attorneys shall be informed at the conclusion of the conference the date of said motion court session;

(4) recommendations concerning an equitable division of the custody administrative fee among the parties.

(d) To facilitate the conciliation process and to encourage frank, open, and meaningful exchanges between the parties and their respective counsel, statements made by the parties at the conference shall not be admissible as evidence at a later custody hearing. The custody conciliator shall not be a witness for or against any party.

(e) After evaluation reports have been filed, if the parties desire further court proceedings, a request for a second custody conciliation conference shall be filed by either party.

(f) Following the entry of a recommendation and order, where no further evaluations are contemplated, either party may move for a trial before the court. If no such request is made within 90 days, the matter shall be deemed to be concluded.

#### **L1915.12. Enforcement. Contempt.**

(a) The custody conciliator may attempt to enforce existing custody/visitation orders, upon receiving informal written objection from a party or attorney of record that said order is being wilfully disobeyed. Such objection shall be served upon opposing party or attorney of record by the complaining party.

(b) Any party may file an action for civil contempt with the court pursuant to Pa.R.C.P. governing custody actions. All such actions shall be subject to the administrative fees and conciliation procedures in accordance with these Rules.

(c) If no agreement is reached at the scheduled enforcement conciliation conference, a conciliator's report shall be filed and the contempt matter may be scheduled before the court to the judge assigned that case at his/her next motion court for argument or scheduled for hearing as circumstances warrant.

#### **L1915.13. Special Relief.**

(a) All petitions and motions for special relief may be referred to the custody conciliator pursuant to these Rules.

(b) Alternatively, the Court may schedule a hearing to determine the appropriateness of such request for special relief. If a hearing is granted, the Court may continue a

scheduled custody conference until the court has rendered a decision on the request for special relief.

### **DIVORCE**

#### **L1920.33(b).**

(a) Unless otherwise directed by the master or by Order of Court, no later than 45 days from the date a master has been appointed:

(1) All discovery shall be completed and a certificate of readiness shall be filed which states that discovery is completed.

(2) If discovery is not completed, such certificate shall state the current status and time when such discovery shall be completed.

(b) After a certificate of readiness regarding discovery is filed, the master shall schedule the pre-trial conference. Five business days before the pre-trial conference, each party shall file:

(1) a certificate of readiness which states that the parties have had substantive settlement negotiations.

(2) a pre-trial statement which complies with the requirements of Pa.R.C.P. 1920.33(b).

(c) If a party fails to comply with a requirement of this rule, the Court, upon motion of the master or either party, may make an appropriate order under Rule 4019 governing sanctions.

#### **L1920.51(a).**

(1) Once a master is appointed, any documents subsequently filed with the Court shall be served upon the master by the filing party. In addition, said party shall also serve the master with copies of any Orders issued. This shall include any documents/orders regarding divorce, support, custody, or protection from abuse.

(2) If, pursuant to Pa.R.C.P. 1920.51(a)(3), a party moves for appointment of a master, the moving party shall deposit a sum with the prothonotary to cover the master's initial fee. The amount of deposit and master's fees and costs shall be set from time to time by general order. Pursuant to Pa.R.C.P. 1920.51(a)(2)(I), the master may direct the parties to deposit further amounts with the prothonotary.

(3) A party seeking a contested continuance of the master's pre-trial conference or the master's hearing must file a motion and obtain an order of court.

#### **L1920.55-1.**

Unless the Court orders otherwise, all divorce proceedings shall be referred to a master in accordance with Pa.R.C.P. 1920.55-2. In appropriate circumstances, either party or the master may request that the Court order the case to proceed under Pa.R.C.P. 1920.55-3.

#### *Comment*

The intent of this rule is to permit, by court approval, a 1920.55-3 proceeding in cases with limited assets, in forma pauperis litigants, or other circumstances which merit consideration for streamlined proceedings without a record.

[Pa.B. Doc. No. 02-615. Filed for public inspection April 19, 2002, 9:00 a.m.]

# DISCIPLINARY BOARD OF THE SUPREME COURT

## Notice of Disbarment

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated April 5, 2002, Anthony Charles Bruneio has been Disbarred on Consent from the Bar of this Commonwealth, to be effective May 5, 2002. In accordance with Rule 217(f), Pa.R.D.E., since this

formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Executive Director and Secretary  
The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 02-616. Filed for public inspection April 19, 2002, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 55—PUBLIC WELFARE

### DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 1187]

#### Corrective Amendment to 55 Pa. Code § 1187.2

The Department of Public Welfare has discovered discrepancies between the agency text in 55 Pa. Code § 1187.2 (relating to definitions) as deposited with the Legislative Reference Bureau and the official text as published at 32 Pa.B. 734, 758 and 759 (February 9, 2002) and the text which will be codified in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 329) (April, 2002). The definitions of "appraisal of nursing facilities," "fair rental value" and "interest-capital indebtedness" should have been deleted. In addition, the definition of "special rehabilitation facility" was inadvertently omitted.

Therefore, under 45 Pa.C.S. § 901: The Department of Public Welfare has deposited with the Legislative Reference Bureau a corrective amendment to 55 Pa. Code § 1187.2. The corrective amendment to 55 Pa. Code § 1187.2 is effective February 9, 2002, (retroactively effective November 1, 1999) the date the defective official text was printed in the *Pennsylvania Bulletin*.

The correct version of 55 Pa. Code § 1187.2 appears in Annex A, with ellipses referring to the existing text of the regulation.

FEATHER O. HOUSTOUN,  
*Secretary*

#### Annex A

#### TITLE 55. PUBLIC WELFARE

#### PART III. MEDICAL ASSISTANCE MANUAL

#### CHAPTER 1187. NURSING FACILITY SERVICES

#### Subchapter A. GENERAL PROVISIONS

#### § 1187.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*Appraisal*—A determination of the depreciated replacement cost of fixed or movable property, made by qualified personnel of an independent appraisal firm under contract with the Department.

*Audited MA-11 cost reports*—MA-11 cost reports that have been subjected to desk or field audit procedures by the Commonwealth.

\* \* \* \* \*

*Facility MA CMI*—The arithmetic mean CMI for MA residents in the nursing facility for whom the Department paid an MA day of care on the picture date.

*Federally Approved Pennsylvania (PA) Specific Minimum Data Set (MDS)*—One of three components of the Federally designed Resident Assessment Instrument (RAI). The RAI includes the MDS, the Resident Assessment Protocols and Utilization Guidelines. The MDS is a minimum core of assessment items with definitions and coding categories needed to comprehensively assess a nursing facility resident.

\* \* \* \* \*

#### *Interest*—

(i) *Capital interest*. The direct actual cost incurred for funds borrowed to obtain fixed property, major movable property or minor movable property.

(ii) *Other interest*. The direct actual cost incurred for funds borrowed on a short-term basis to finance the day-to-day operational activities of the nursing facility, including the acquisition of supplies.

*Intergovernmental Transfer Agreement*—The formal document that executes the transfer of funds or certification of funds to the Commonwealth by another unit of government within this Commonwealth in accordance with section 1903 of the Social Security Act (42 U.S.C.A. § 1396b(w)(6)(A)).

\* \* \* \* \*

*Special rehabilitation facility*—A nursing facility with residents more than 70% of whom have a neurological/neuromuscular diagnosis and severe functional limitations.

\* \* \* \* \*

[Pa.B. Doc. No. 02-617. Filed for public inspection April 19, 2002, 9:00 a.m.]

## Title 58—RECREATION

### FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 61 AND 65]

#### Seasons, Sizes and Creel Limits; Miscellaneous Special Regulations

The Fish and Boat Commission (Commission) amends §§ 61.1 and 65.24 (relating to Commonwealth inland waters; and miscellaneous special regulations). The Commission is publishing these final-form amendments under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The final-form amendments relate to reducing the daily creel limit for rock bass in the Juniata River and its tributaries.

#### A. *Effective Date*

The final-form amendments will go into effect on January 1, 2003.

#### B. *Contact Person*

For further information on the final-form amendments, contact Laurie E. Shepler, Assistant Counsel, P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7815. This final-form rulemaking is available electronically through the Commission's website (<http://www.fish.state.pa.us>).

#### C. *Statutory Authority*

The final-form amendment to § 61.1 is published under the statutory authority of section 2102 of the code (relating to rules and regulations). The final-form amendment to § 65.24 is published under the statutory authority of section 2307 of the code (relating to waters limited to specific purposes).

#### D. Purpose and Background

The final-form amendments are designed to update, modify and improve the Commission's regulations pertaining to fishing. The specific purpose of the final-form amendments is described in more detail under the summary of changes.

#### E. Summary of Changes

The Commission recently sought public comment on a proposal to reduce the daily creel limit for panfish (sunfish, yellow perch, crappies, catfish, rock bass, suckers, carp and white bass) on inland waters from 50 (combined species) to 25 (combined species). The proposal involved an amendment to § 61.1.

The proposed rulemaking was prompted by suggestions from members of the angling public who expressed concerns about the 50-per-day panfish creel limit, particularly in regards to its impact on rock bass. Commission fisheries biologists have observed that the proposed amendment is unlikely to have any notable impact on harvest. The proposal was not motivated by fisheries management considerations as much as public policy input about the value of panfish and appropriate number that should be taken.

Briefings by the Commission's fisheries management staff have shown that the proposed amendment in creel limits will not affect the panfish fisheries resource. Even though the change from a creel limit of 50 per day to 25 per day seems large, only a handful of the most skilled or avid panfish anglers actually take more than 25 panfish during a day of fishing. Creel surveys show that one would have to set the creel limit at considerably less than 25 per day to have appreciable resource impacts. Lowering the creel limit would have no demonstrable positive or negative resource impacts.

Although the proposal is not justified from a resource impact perspective, it does represent a value or policy judgment concerning how many panfish an angler should expect to take in a day of fishing. There is a concept that a lower panfish creel limit enhances the perceived value of these fish and represents the appropriate number of these fish for an angler to take in a day.

On final-form rulemaking, the Commission considered four alternatives. Under Option A, the daily creel limit for yellow perch, crappies, catfish, rock bass, suckers, carp and white bass was 25, and the daily creel limit for sunfish remained at 50. Option A also made it clear that "other gamefish" are subject to a 50 per day creel limit. This latter change is necessitated by the fact that the term "gamefish" is defined in the code as including all other species of fish except bait fish.

Option B set the daily creel for rock bass at 25. This option recognized that the principal impetus for the proposed amendment was concerns about rock bass. Although creel surveys show that reducing the creel limit for rock bass from 50 to 25 on a Statewide basis will have no resource protection impacts, it would represent a value judgment as to the relative value of these fish from a creel limit perspective. Instead of changing the creel limit for all panfish (except sunfish) from 50 to 25, the option would change the Statewide creel limit for rock bass only from 50 to 25. This option has the additional advantage of allowing the Commission's fisheries managers to evaluate more fully the impacts of the panfish enhancement special regulation without a change in the Statewide creel limits during the evaluation period.

Option C further refined the results of the public input by focusing on rock bass on the Juniata River and its

tributaries. Instead of making a Statewide change in rock bass creel limits, this option created a miscellaneous special regulation setting the rock bass creel limit at 10 per day or, possibly, 25 per day in the Juniata River and its tributaries. Under this option, there was no amendment to § 61.1 (except the addition of the wording on other game fish not otherwise listed); rather § 65.24 was amended to provide for a 10 per day (or 25 per day) creel limit on rock bass in the Juniata River and its tributaries.

Option D was the no action alternative. It provided for no change in existing creel limits for any panfish. It added the wording regarding other game fish (not otherwise listed) to § 61.1.

The Commission, on final-form rulemaking, adopted Option C that amends § 65.24 to provide for a ten per day creel limit on rock bass in the Juniata River and its tributaries. The Commission also amended § 61.1 to clarify that the daily creel limit for game fish not otherwise listed is 50.

#### F. Paperwork

The final-form amendments will not increase paperwork and will create no new paperwork requirements.

#### G. Fiscal Impact

The final-form amendments will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form amendments will impose no new costs on the private sector or the general public.

#### H. Public Involvement

A notice of proposed rulemaking was published at 31 Pa.B. 5106 (September 8, 2001). Although the public comment period was initially a period of 90 days or until December 7, 2001, it was extended until January 15, 2002. The Commission received 65 comments. The majority of those comments (40) opposed the proposed amendments.

The Commission also hosted a public information meeting and hearing on this subject on December 19, 2001, in Huntingdon, PA. Thirty-four members of the public attended and provided input on the proposed amendments. Most of the commentators favored the proposed amendments. The suggestions received at that meeting and copies of all public comments submitted throughout the comment period have been provided to the Commissioners.

#### Findings

The Commission finds that:

(1) Public notice of intention to adopt the amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder (1 Pa. Code §§ 7.1 and 7.2).

(2) A public comment period was provided, and the comments that were received were considered.

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

#### Order

The Commission, acting under the authorizing statutes, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapters 61 and 65, are amended by amending §§ 61.1



and 65.24 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Executive Director will submit this order and Annex A to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order and Annex A and deposit the same with the Legislative Reference Bureau as required by law.

(d) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

PETER A. COLANGELO,  
*Executive Director*

**Fiscal Note:** 48A-122. No fiscal impact; (8) recommends adoption.

## Annex A

### TITLE 58. RECREATION

#### PART II. FISH AND BOAT COMMISSION

##### Subpart B. FISHING

#### CHAPTER 61. SEASONS, SIZES AND CREEL LIMITS

##### § 61.1. Commonwealth inland waters.

\* \* \* \* \*

(d) Except as otherwise provided in this subpart, the following seasons, sizes and creel limits apply to inland waters of this Commonwealth and the Youghiogheny Reservoir:

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
* * * * *			
SUNFISH, YELLOW PERCH, CRAPPIES, CATFISH, ROCK BASS, SUCKERS, CARP, WHITE BASS AND OTHER GAMEFISH NOT OTHERWISE LISTED	Open year-round	No minimum	50 (combined species)
* * * * *			

#### CHAPTER 65. SPECIAL FISHING REGULATIONS

##### § 65.24. Miscellaneous special regulations.

The following waters are subject to the following miscellaneous special regulations.

<i>County</i>	<i>Name of Water</i>	<i>Special Regulation</i>
* * * * *		
Blair, Huntingdon, Juniata, Mifflin and Perry	Juniata River and its Tributaries	Rock bass—Daily creel limit is 10; open year-round; no minimum size limit
* * * * *		

[Pa.B. Doc. No. 02-618. Filed for public inspection April 19, 2002, 9:00 a.m.]

# PROPOSED RULEMAKING

## DEPARTMENT OF AGRICULTURE

[7 PA. CODE CH. 130d]

### Application of Soil and Groundwater Contaminated with Agricultural Chemicals to Agricultural Lands

The Department of Agriculture (Department), under the specific authority conferred by section 904(d) of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. § 6026.904(d)), proposes to establish Chapter 130d (relating to application of soil and groundwater contaminated with agricultural chemicals to agricultural lands). Section 904(d) of the act delineates the duties of the Department and directs the Department to "... promulgate regulations providing for the option of safely reusing soil and groundwater contaminated with agricultural chemicals generated as a result of remediation activities at agricultural chemical facilities through the land application of these materials on agricultural lands." The regulations are required to "... provide for the appropriate application rates of such materials, either alone or in the combination with other agricultural chemicals, and prescribe appropriate operations controls and practices to protect the public health, safety and welfare and the environment at the site of land application."

The proposed regulations specify general procedures and rules for persons who solicit or receive approval from the Department to apply soil or groundwater contaminated with agricultural chemicals, generated as a result of remediation activities at agricultural chemical facilities, to agricultural land. These proposed regulations apply only to the application of soil or groundwater contaminated with agricultural chemicals, generated as a result of remediation activities, at agricultural chemical facilities and applied to agricultural lands. The Department has no power to issue final approval for the land application of contaminated soil or groundwater generated as the result of remediation activities that were undertaken at an agricultural chemical facility, where the soil or groundwater is contaminated with chemicals or substances other than agricultural chemicals. The Department will not approve the land application of soil or groundwater contaminated with chemicals other than agricultural chemicals. Where the contaminated soil or groundwater contains chemicals or substances other than agricultural chemicals, the applicant must receive approval for land application of chemicals or substances from the appropriate regulatory agency or must proceed under the alternative provisions of the act, which include holding the soil and groundwater onsite under the regulations regarding onsite storage of waste or processing the soil and groundwater in a manner consistent with the type of waste contained in the soil pile or groundwater. The applicant is responsible for obtaining any additional permits or approvals necessary for the application of the contaminated media. The Department has no power to issue final approval for the land application of contaminated soil or groundwater that was generated as the result of remediation activities that were not undertaken

at an agricultural chemical facility or where the contaminated soil or groundwater will be applied to land other than agricultural land.

#### *Background*

The act requires the Department to promulgate regulations providing for the option of safely reusing soil and groundwater contaminated with agricultural chemicals generated as a result of remediation activities at agricultural chemical facilities through the land application of these materials on agricultural lands. The Department takes very seriously its duty to protect the health and safety of the general public and to preserve the quality and productivity of agricultural lands in this Commonwealth. These proposed regulations are intended to address the safety of the application of soil and groundwater contaminated agricultural chemicals and to protect and assure the productivity and viability of the agricultural lands to which this media is applied.

In addition, the Department of Environmental Protection, under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) has regulations in place concerning the land application of residual waste in 25 Pa. Code Chapter 291 (relating to land application of residual waste), including regulations specifically regarding application to agricultural land in 25 Pa. Code Chapter 291, Subchapter D (relating to additional requirements for the agricultural utilization of residual waste). "Residual waste" as defined by the Solid Waste Management Act includes agricultural waste. The act does not exempt the application of soil and groundwater contaminated with agricultural chemicals to agricultural lands, from the regulations promulgated under the Solid Waste Management Act. Therefore, the Department has endeavored to assure these regulations are consistent with the residual waste regulations pertaining to application of residual waste to agricultural land.

In the interest of carrying out its statutory duties and providing a safe alternative use for soil and groundwater contaminated with agricultural chemicals the Department has promulgated these proposed regulations. The regulations are intended to establish safe standards, criteria and procedures for the application of the contaminated media to agricultural lands.

#### *Summary of Major Features*

Section 130d.1 (relating to definitions) defines various terms to add clarity to the regulations. Although many of the terms are also defined in the act and the Pennsylvania Pesticide Control Act of 1973 (3 P. S. §§ 111.21—111.61), the Department included them in the proposed regulations to provide the regulated community and interested persons with easy and immediate access to definitions which clarify the regulations.

Section 130d.2 (relating to scope) details the narrow scope of the Department's authority, sets forth the Department's powers and duties and clarifies the type of contaminated material eligible for consideration to be applied to farm lands under the act and the proposed regulations.

Section 130d.3 (relating to continuing authority) delineates the intent that these proposed regulations do not amend, repeal or modify the provisions of any other act or the regulations promulgated thereunder and denotes the continuing authority of the Department to take regulatory action under those statutes.

Section 130d.11 (relating to scope) sets forth the requirement that persons receiving approval to apply soil and groundwater contaminated with agricultural chemicals shall comply with the act, the regulations and the environmental protection acts.

Section 130d.12 (relating to reports) establishes the duty of applicators to file annual and final reports with the Department and sets forth the information which shall be contained in the reports.

Section 130d.13 (relating to chemical analysis of waste) creates the requirement for the detailed chemical analysis of soil and groundwater taken from the agricultural chemical facility and sought to be applied to agricultural lands. It defines the type of analysis that shall be done and sets forth testing requirements and protocols.

Section 130d.14 (relating to waste analysis plan) delineates the requirements for a waste analysis plan and what shall be included in that plan.

Section 130d.15 (relating to application site analysis) establishes the requirement for an application site analysis and sets forth the criteria for and procedures to be used in analyzing the site.

Section 130d.16 (relating to retained recordkeeping) details which records shall be retained and the retention time for the records.

Section 130d.17 (relating to public notice by applicant) denotes the requirement to comply with the notice provisions of the Pennsylvania Pesticide Control Act.

Section 130d.21 (relating to general requirements for land application proposal form) sets forth the requirements for submittal and delineates the documentation, information and affirmations which shall be contained in the application proposal.

Section 130d.22 (relating to insurance) establishes the insurance requirements for persons seeking to apply soil and groundwater contaminated with agricultural chemicals to agricultural lands.

Section 130d.23 (relating to right of entry and agreement with landowner) sets forth the requirements that the person seeking to apply soil and groundwater contaminated with agricultural chemicals to agricultural lands shall submit documents establishing their right to enter onto the land upon which the agricultural chemicals will be applied and a signed consent agreement. In addition, the landowner shall sign a form, prepared by the Department, authorizing the Department or its agents to enter onto the land.

Section 130d.24 (relating to identification of interest) details the type of information pertaining to the applicant which shall be contained in the land application proposal.

Section 130d.25 (relating to compliance information) the land application proposal shall contain proof that the proposed application will comply with the applicable Federal, State and local laws and regulations.

Section 130d.26 (relating to environmental assessment) sets forth the requirement for an environmental assessment to be included in the land application proposal. It delineates the criteria for the environmental assessment, including detailing the potential impact of the application of the soil and groundwater contaminated agricultural chemicals to the application site, potential harmful effects of the application and a mitigation plan.

Section 130d.31 (relating to criteria for approval and denial) establishes the criteria the Department will use and follow in evaluating a land application proposal.

Section 130d.32 (relating to receipt of land application proposal and completeness review) delineates the criteria to determine date of receipt and completeness of a land application proposal.

Section 130d.33 (relating to review period) establishes a time period for Department review of an administratively complete land application proposal and sets forth the procedures and process to be followed upon receipt of an incomplete land application proposal.

Section 130d.34 (relating to review process) sets forth the process which the Department will follow in reviewing land application proposals.

Section 130d.41 (relating to general) details terms, conditions and criteria which shall be met before, during and subsequent to land application of soil and groundwater contaminated with agricultural chemicals.

Section 130d.42 (relating to operating plan) sets forth the information which shall be included in the operating plan.

Section 130d.43 (relating to maps and related information) delineates the type of maps which shall be included in the land application proposal and the information which those maps shall contain.

Section 130d.51 (relating to general requirements) sets forth the general requirements for applying to the Department to use groundwater contaminated with agricultural chemicals as tank mix. It establishes the review procedures and delineates ongoing testing and cancellation requirements.

Section 130d.52 (relating to general exceptions) establishes the standards the Department will follow in determining whether groundwater contaminated with agricultural chemicals can be utilized as tank mix. In addition, delineates the Department's authority to waive certain other provisions of the proposed regulations, when the Department determines the groundwater contaminated with agricultural chemicals can be used as tank mix. It also sets forth certain provisions of the proposed regulations that will not be waived by the Department.

Section 130d.61 (relating to general provisions) sets forth the overall compliance criteria for application of the soil and groundwater contaminated with agricultural chemicals.

Section 130d.62 (relating to standards for land application of soil and groundwater contaminated with agricultural chemicals) delineates the general criteria and standards that shall be accounted for and complied with when applying soil and groundwater contaminated with agricultural chemicals to agricultural lands.

Section 130d.63 (relating to land application rates and procedures) establishes application rates and procedures which shall be followed when applying soil and groundwater contaminated with agricultural chemicals to agricultural lands.

Section 130d.64 (relating to additional application requirements) sets forth some additional information that shall be contained in the operating plan, such as a projected 3-year crop rotation plan and information regarding any additional pesticides or fertilizers that will be placed on the application site.

Section 130d.65 (relating to limitations on land application of soil and groundwater contaminated with agricultural chemicals) delineates criteria and factors which shall be included in and accounted for in the applicant's operating plan. The Department will consider these crite-

ria and factors in its review of the applicant's land application proposal. These criteria and factors establish limitations on how soil and groundwater contaminated with agricultural chemicals shall be applied to agricultural lands.

Section 130d.66 (relating to prohibited applications) establishes prohibitions on the application of soil and groundwater contaminated with agricultural chemicals to agricultural lands.

Section 130d.67 (relating to nuisance minimization and control) establishes requirement for an approved applicant to minimize potential nuisances.

Section 130d.68 (relating to daily operational records) establishes the requirement to keep daily operational records during the application of the soil and groundwater contaminated with agricultural chemicals to agricultural lands and defines the information which shall be included in those records.

Section 130d.69 (relating to annual operational report) establishes the requirement to produce an annual operational report and defines the information which shall be included in that report.

Section 130d.71 (relating to site closure plan) establishes the requirement for a site closure plan and delineates what that plan shall include.

Section 130d.72 (relating to final report) establishes the requirement for a final report and the criteria for what shall be included in that report.

#### *Fiscal Impact*

##### *Commonwealth*

The proposed regulations will impose additional administrative costs and have some fiscal impact upon the Commonwealth. The proposed regulations will require the Department to commit a substantial amount of time and manpower to review of applications and inspections of application sites.

##### *Political Subdivisions*

The proposed regulations will impose no costs and have no fiscal impact upon political subdivisions. The proposed regulations do not impose any additional burden of enforcement of review on political subdivisions.

##### *Private Sector*

For the most part the proposed regulations will impose minimal or no costs on the private sector. Companies wishing to apply soil and groundwater contaminated with agricultural chemicals, generated as the result of remediation activities undertaken at an agricultural facility, to agricultural lands will have to bear the costs of testing imposed by the regulations and the time and manpower costs of preparing the land application proposal. However, proceeding under the proposed regulations is not mandatory. The industry has other approved methods of disposing of soil and groundwater contaminated with agricultural chemicals, all of which impose costs on the industry. The industry seeking to proceed under the alternative presented by the act and these proposed regulations will have to determine whether or not it is the least cost alternative or is the best approach for them. The private sector will benefit through an alternative means of disposal, the liability protections for the remediated site in the act and the ability to utilize the land at the remediated site.

#### *General Public*

The proposed regulations will impose no costs and have no fiscal impact on the general public. The general public will benefit through an alternative means of disposal of contaminated soil and groundwater and the ability to utilize what was once a contaminated "brownfields" site. The owner of the agricultural land upon which the contaminated soil and groundwater will be applied will have to weigh the benefits offered by the company seeking to apply the contaminated soil and groundwater against any potential harm the application could pose to the productivity of the agricultural land.

#### *Paperwork Requirements*

The proposed regulations may result in a substantial increase of paperwork. The Department will have to develop application forms and review complicated proposals. The review and approval will have to be done by experienced Department staff and Department chiefs with expertise in the fields covered by the regulations.

#### *Public Comment Period*

Interested persons are invited to submit written comments regarding the proposed regulations within 30 days following publication in the *Pennsylvania Bulletin*.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 10, 2002, the Department submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Agriculture and Rural Affairs Committee and the Senate Agriculture and Rural Affairs Committee. In addition to submitting the proposed rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed rulemaking, it will notify the Department within 30 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria that have not been met by the portion of the proposed rulemaking to which an objection is made. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of objections raised.

#### *Contact Person*

Further information is available by contacting the Department of Agriculture, Land Recycling and Environmental Remediation Standards Program, 2301 North Cameron Street, Harrisburg, PA 17110-9408; Attn: John Taceosky, (717) 772-5217.

#### *Effective Date*

This proposed regulations will be effective upon final-form publication in the *Pennsylvania Bulletin*.

SAMUEL E. HAYES, Jr.,  
*Secretary*

**Fiscal Note:** 2-116. (1) General Fund; (2) Implementing Year 2001-02 is \$0; (3) 1st Succeeding Year 2002-03 is \$50,000; 2nd Succeeding Year 2003-04 is \$53,000; 3rd Succeeding Year 2004-05 is \$55,000; 4th Succeeding Year 2005-06 is \$57,000; 5th Succeeding Year 2006-07 is

\$60,000; (4) 2000-01 Program—\$n/a; 1999-00 Program—\$n/a; 1998-99—\$n/a; (7) General Government Operations; (8) recommends adoption.

### Annex A

## TITLE 7. AGRICULTURE

### PART V. BUREAU OF PLANT INDUSTRY

#### CHAPTER 130d. APPLICATION OF SOIL AND GROUNDWATER CONTAMINATED WITH AGRICULTURAL CHEMICALS TO AGRICULTURAL LANDS

##### Subch.

- A. GENERAL PROVISIONS
- B. DUTIES OF APPLICATORS
- C. GENERAL REQUIREMENTS FOR PERMISSION TO APPLY SOIL AND GROUNDWATER CONTAMINATED WITH AGRICULTURAL CHEMICALS TO AGRICULTURAL LAND
- D. LAND PROPOSAL REVIEW PROCEDURES
- E. GENERAL REQUIREMENTS FOR LAND APPLICATION OF SOIL AND GROUNDWATER CONTAMINATED WITH AGRICULTURAL CHEMICALS
- F. GENERAL REQUIREMENTS AND EXCEPTIONS FOR USE AND APPLICATION OF GROUNDWATER CONTAMINATED WITH AGRICULTURAL CHEMICALS AS TANK MIX
- G. GENERAL OPERATING REQUIREMENTS FOR LAND APPLICATION OF SOIL AND GROUNDWATER CONTAMINATED WITH AGRICULTURAL CHEMICALS
- H. CLOSURE

#### Subchapter A. GENERAL PROVISIONS

##### Sec.

- 130d.1. Definitions.
- 130d.2. Scope.
- 130d.3. Continuing authority.

#### § 130d.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Act*—The Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

*Active ingredient*—

(i) In the case of a pesticide other than a plant regulator, defoliant or desiccant, an ingredient which will prevent, destroy, repel or mitigate any pest.

(ii) In the case of a plant regulator, an ingredient which, through physiological action, will accelerate or retard the rate of growth or rate of maturation or otherwise alter the behavior of ornamental or crop plants or the product thereof.

(iii) In the case of a defoliant, an ingredient which will cause the leaves or foliage to drop from a plant.

(iv) In the case of a desiccant, an ingredient which will artificially accelerate the drying of plant tissue.

*Agricultural chemical*—A substance defined as a fertilizer, soil conditioner or plant growth substance under 3 Pa.C.S. Chapter 67 (relating to fertilizer) or a substance regulated under the Pennsylvania Pesticide Control Act of 1973 (3 P. S. §§ 111.21—111.60).

*Agricultural chemical facility*—A facility where agricultural chemicals are held, stored, blended, formulated, sold or distributed. The term does not include facilities identified by SIC 2879 (available from the Department of Agriculture, Bureau of Market Development, 2301 N. Cameron St., Harrisburg, PA 17110, (717) 787-6041) where agricultural chemicals are manufactured.

*Agricultural land or farmland*—Land in this Commonwealth that is capable of supporting the commercial

production of agricultural crops, livestock or livestock products, poultry products, milk or dairy products, fruit or other horticultural products.

*Animal*—All vertebrate and invertebrate species, including man and other mammals, birds, fish and shellfish.

*Application site*—The farmland area approved to receive an application of soil or groundwater contaminated with agricultural chemicals and delineated in a final plan containing and detailing the exact location of the farmland upon which the soil or groundwater contaminated with the agricultural chemicals is to be applied, including the property boundaries of the farmland and each field upon which the contaminated soil or groundwater will be applied.

*Applicator*—A certified applicator, private applicator, commercial applicator or public applicator.

(i) *Certified applicator*: An individual who is certified under section 16.1, 17 or 17.1 of the Pennsylvania Pesticide Control Act of 1973 (3 P. S. §§ 111.36a, 111.37 and 111.37a) as competent to use or supervise the use or application of any pesticide.

(ii) *Private applicator*: A certified applicator who uses or supervises the use of any pesticide which is classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by him or his employer or, if applied without compensation other than trading of personal services between producers of agricultural commodities, on the property of another person.

(iii) *Commercial applicator*:

(A) A certified applicator (whether or not the applicator is a private applicator with respect to some uses) who uses or supervises the use of any pesticide on the property or premises of another, or on easements granted under State law.

(B) An applicator who uses or supervises the use of any restricted use pesticide on property owned or rented by him or his employer, when not for purposes of producing an agricultural product.

(C) The Secretary may by regulation deem certain types of applicators using any pesticide on their own property or that of his employer as commercial applicators.

(iv) *Public applicator*: A certified applicator who applies pesticides as an employee of the State or its instrumentalities or any local agency.

(v) *Pesticide application technician*: An individual employed by a commercial applicator or governmental agency who, having met the competency requirements of section 16.1 of the Pennsylvania Pesticide Control Act of 1973 is registered by the Secretary to apply pesticides under the direct supervision of a certified applicator.

*Background*—The concentration of a regulated substance determined by appropriate statistical methods that is present at the site, but is not related to the release of regulated substances at the site.

*Cleanup or remediation*—To clean up, mitigate, correct, abate, minimize, eliminate, control or prevent a release of a regulated substance into the environment to protect the present or future public health, safety, welfare or the environment, including preliminary actions to study or assess the release.

*Contaminated media*—Soil and groundwater contaminated with agricultural chemicals and regulated substances or other chemicals generated as a result of remediation activities at agricultural chemical facilities.

*DEP*—The Department of Environmental Protection of the Commonwealth.

*Defoliant*—A substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.

*Department*—The Department of Agriculture of the Commonwealth.

*Desiccant*—Any substance or mixture of substances intended for artificially accelerating the drying of plant tissue.

*Environment*—Includes water, air, land and all plants and man and other animals living therein, and the interrelationships which exist among these.

*Environmental protection acts*—Includes:

(i) The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

(ii) The Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4001.101—4001.1904).

(iii) The Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1305).

(iv) The Low-Level Radioactive Waste Disposal Act (35 P. S. §§ 7130.101—7130.906).

(v) The act of July 13, 1988 (35 P. S. §§ 6019.1—6019.6), known as the Infectious and Chemotherapeutic Waste Disposal Law.

(vi) The Air Pollution Control Act (35 P. S. §§ 4001—4015).

(vii) The Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.31).

(viii) The Noncoal Surface Mining Conservation and Reclamation Act (35 P. S. §§ 3301—3326).

(ix) The Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27).

(x) The Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

(xi) The Nutrient Management Act (3 P. S. §§ 1701—1718).

(xii) 3 Pa.C.S. §§ 6701—6725 (relating to Fertilizer Act).

(xiii) The Pennsylvania Pesticide Control Act of 1973 (3 P. S. §§ 111.21—111.61).

(xiv) The Federal Insecticide, Fungicide and Rodenticide Act of 1947 (7 U.S.C.A. §§ 136—136y).

(xv) The Resource Conservation and Recovery Act of 1976 (42 U.S.C.A. §§ 6901—6986).

(xvi) Other State or Federal statutes relating to environmental protection or the protection of public health.

*Equipment*—

(i) Any type of ground, water or aerial equipment or contrivance using motorized, mechanical or pressurized power and used to apply any agricultural chemical on land and anything that may be growing, habituating or stored on or in the land.

(ii) The term does not include any pressurized hand-sized household apparatus used to apply any agricultural

chemical or any equipment or contrivance of which the person who is applying the agricultural chemical is the source of power or energy in pesticide application.

*General use pesticides*—A pesticide not classified as a restricted use pesticide.

*Groundwater*—Water below the land surface in a zone of saturation.

*HAL*—Health Advisory Level.

*Habitats of concern*—A habitat defined as one of the following:

(i) Typical wetlands with identifiable function and value, except for exceptional value wetlands as defined in 25 Pa. Code § 105.17 (relating to wetlands).

(ii) Breeding areas for species of concern.

(iii) Migratory stopover areas for species of concern.

(iv) Wintering areas for species of concern.

(v) Habitat for State endangered plant and animal species.

(vi) Areas otherwise designated as critical or of concern by the Game Commission, the Fish and Boat Commission or the Department of Conservation and Natural Resources.

*Incorporation*—Plowing or injecting contaminated media to a depth of up to 6 inches in a manner that ensures a uniform mixture of top soil and contaminated media.

*Label*—The written, printed or graphic matter on, or attached to the pesticide, agricultural chemical or device or any of its containers or wrappers.

*Labeling*—Pertaining to pesticide or other agricultural chemicals means all labels and all other written, printed or graphic matter which includes one of the following:

(i) That which accompanies the pesticide, agricultural chemical or device at any time.

(ii) To which reference is made on the label or in literature accompanying the pesticide, agricultural chemical or device, except to current official publications of the Federal Environmental Protection Agency, the United States Departments of Agriculture and Interior, the Departments of Health and Human Services and Education, State experiment stations, State agricultural colleges and other similar Federal or State institutions or agencies authorized by law to conduct research in the field of pesticides or agricultural chemicals.

*Land application proposal*—An application for permission to apply soil and groundwater contaminated with agricultural chemicals, generated as a result of remediation activities carried out at an agricultural facility, to agricultural land.

*MCL*—Maximum contaminant level.

*Person*—An individual, firm, corporation, association, partnership, consortium joint venture, commercial entity, authority, nonprofit corporation, interstate body or other legal entity which is recognized by law as the subject of rights and duties. The term includes the Federal government, State government, political subdivisions and Commonwealth instrumentalities.

*Pesticide*—A substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

*Plant regulator—*

(i) A substance or mixture of substances intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of plants or the produce thereof, but does not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants and soil amendments.

(ii) The term does not include any of those nutrient mixtures or soil amendments as are commonly known as vitamin-hormone horticultural products, intended for improvement, maintenance, survival, health and propagation of plants and are not for pest destruction and are nontoxic and nonpoisonous in the undiluted packaged concentration.

*Prime farmland—*Those lands which are defined by the Secretary of the United States Department of Agriculture in 7 CFR 657 (relating to prime and unique farmlands), and which have been historically used for cropland.

*Secretary—*The Secretary of the Department.

*Tank mix or spray mix—*A mixture of one or more agricultural chemicals which is diluted with water prior to the time of application.

*Treatment—*The term shall have the same meaning as given to this term in section 103 of the Hazardous Sites Cleanup Act (35 P. S. § 6020.103).

*Under the direct supervision of a certified commercial or public applicator—*Unless otherwise prescribed by labeling, means application by a registered pesticide application technician acting under the instructions and control of a certified applicator who is available if and when needed, even though the certified applicator is not physically present at the time and place the pesticide is applied, or application by a crew of noncertified or nonregistered employees working under the instruction and control of a certified commercial or public applicator who is physically present at the job site.

*Unreasonable adverse effects on the environment—*Any unreasonable risk to man, animal or the environment, taking into account the economic, social and environmental costs and benefits for the use of any pesticide or agricultural chemical.

**§ 130d.2. Scope.**

(a) The Department has the powers and the duties set forth under section 904(d) of the act (35 P. S. § 6026.904(d)).

(b) This chapter specifies general procedures and rules for persons who solicit or receive approval from the Department to apply soil or groundwater contaminated with agricultural chemicals, generated as a result of remediation activities at agricultural chemical facilities, to agricultural land.

(c) This chapter applies only to the application of soil or groundwater contaminated with agricultural chemicals, generated as a result of remediation activities, at agricultural chemical facilities and applied to agricultural lands. The Department has no power to issue final approval for the land application of contaminated soil or groundwater generated as the result of remediation activities as follows:

(1) That were undertaken at an agricultural chemical facility, where the soil or groundwater is contaminated with chemicals or substances other than agricultural chemicals.

(i) The Department will not approve the land application of soil or groundwater contaminated with chemicals other than agricultural chemicals.

(ii) Where the contaminated soil or groundwater contains chemicals or substances other than agricultural chemicals, the applicant shall receive prior approval for land application of the chemicals or substances from the appropriate regulatory agency or shall proceed under the alternative provisions of the act, which include holding the soil and groundwater onsite under the regulations regarding onsite storage of waste or processing the soil and groundwater in a manner consistent with the type of waste contained in the soil pile or groundwater.

(iii) The applicant is responsible for obtaining any additional permits or approvals necessary for the application of the contaminated media.

(2) That were not undertaken at an agricultural chemical facility.

(3) Where the contaminated soil or groundwater will be applied to land other than agricultural land.

**§ 130d.3. Continuing authority.**

Nothing in this chapter may be construed to amend, modify, repeal or otherwise alter any provision of any act cited and the regulations pertaining thereto, relating to civil and criminal penalties or enforcement actions and remedies available to the Department or in any way to amend, modify, repeal or alter the authority of the Department to take appropriate civil and criminal action under those statutes.

**Subchapter B. DUTIES OF APPLICATORS**

Sec.

- 130d.11. Scope.
- 130d.12. Reports.
- 130d.13. Chemical analysis of waste.
- 130d.14. Waste analysis plan.
- 130d.15. Application site analysis.
- 130d.16. Retained recordkeeping.
- 130d.17. Public notice by applicant.

**§ 130d.11. Scope.**

A person who solicits or receives approval from the Department to apply soil or groundwater contaminated with agricultural chemicals, generated as a result of remediation activities at agricultural chemical facilities, to agricultural land shall comply with the act, this chapter and the environmental protection acts.

**§ 130d.12. Reports.**

(a) A person who solicits or receives approval from the Department to apply soil or groundwater contaminated with agricultural chemicals, generated as a result of remediation activities at agricultural chemical facilities, to agricultural land shall file an annual report and a final report with the Department. The annual report and the final report may be combined when the application of the contaminated soil or groundwater is completed in less than 1 year.

(b) The reports shall be submitted on forms prepared by the Department and shall contain the following:

(1) The name, mailing address, county and telephone number of the person applying the contaminated soil or groundwater.

(2) The name, mailing address, county and telephone number of the owner of the agricultural land upon which the contaminated soil or groundwater is being or has been applied.

(3) A copy of the daily and annual records required by this chapter.

(4) A spread sheet on each soil pile or quantity of groundwater applied documenting the following:

(i) The chemical analysis of each soil pile or quantity of groundwater applied.

(ii) The chemical analysis of each field or plot upon which a soil pile or quantity of groundwater was applied.

(iii) The specific field or plot upon which each soil pile or quantity of groundwater was applied.

(iv) The application method used for each soil pile or quantity of groundwater.

(v) The date of incorporation and depth of incorporation of each soil pile.

**§ 130d.13. Chemical analysis of waste.**

(a) A person who seeks to apply soil or groundwater generated as a result of remediation activities at an agricultural chemical facility, to agricultural land shall perform a detailed analysis of the soil or groundwater that fully characterizes the physical properties and chemical composition of each type of waste that may have been generated at the remediation site.

(b) The analysis of the soil or groundwater sought to be applied to agricultural land shall encompass all types of wastes that are likely to be contained in the soil or groundwater at the remediation site. This includes wastes generated as the result of operations, manufacturing, mixing, storage, distribution and facility or machinery maintenance carried out at the remediation site. The types of wastes likely to be contained in the soil and groundwater shall be gleaned from information available regarding the person or facility at which the remediation activities are taking place and the remediation site including the following:

(1) Records, including sales records, memorandums, invoices, repair and maintenance documents and historical data, of the type of products produced, used and stored by the person or facility being remediated and at the remediation site.

(2) Material safety data sheets or similar sources that may help characterize the types of waste generated.

(3) Notices of past violations or contamination, if applicable.

(4) Information regarding any by-product or chemical produced during or as a result of the manufacturing processes, mixing, storage or distribution of materials by the person or facility being remediated and at the site being remediated.

(5) A copy of the source reduction strategy of the person or facility at which remediation activities are taking place, if applicable.

(c) The person proposing to land apply the contaminated soil or groundwater shall test for all agricultural chemicals and the by-products or derivatives thereof that were ever held, stored, formulated, sold or distributed by the agricultural chemical facility being remediated.

(1) In addition, the person proposing to land apply the contaminated media shall test for any other chemicals or contaminants, such as petroleum products or manufacturing or cleaning solvents which are likely to be in soil or groundwater at the agricultural chemical facility being remediated.

(2) The tests shall be predicated on the manufacturing processes or business carried on by the agricultural facility being remediated and records obtained from that facility.

(3) A verified copy or synopsis of the records, a history of the products and manufacturing processes carried on by the agricultural facility being remediated and the final soil or groundwater, or both, test results shall be attached to and made part of the land application proposal submitted to the Department.

(d) Soil or groundwater, or both, samples from each soil pile or quantity of groundwater sought to be applied to agricultural land shall be tested at a laboratory approved by the Department and shall be done on a parts per million basis. A copy of the test results and a record of laboratory quality control procedures and the use of those procedures shall be submitted to the Department and to the owner of the agricultural land on which the contaminated soil and groundwater is sought to be applied. The submittal of quality control procedures and procedure information may be waived by the Department if the information has been previously submitted to the Department.

(e) The chemical analysis of waste shall include the following:

(1) A waste sampling plan, including quality assurance and quality control procedures. The plan shall ensure an accurate and representative sampling of the contaminated soil or groundwater, or both, the person seeks to apply to agricultural land.

(2) An evaluation of the ability of the agricultural chemicals and constituents contained in the soil or groundwater to leach into the environment.

(3) A demonstration that the contaminated soil or groundwater can be land applied to agricultural land without negatively affecting the productivity of the agricultural land or causing harm to the environment.

**§ 130d.14. Waste analysis plan.**

The applicant shall develop a waste analysis plan. The waste analysis plan shall cover each chemical, nutrient or constituent proposed to be applied to the agricultural land. The plan shall take into account the chemical analysis required by § 130d.13 (relating to chemical analysis of waste). At a minimum, the plan shall include:

(1) The type of chemicals, nutrients and constituents for which each soil pile or quantity of groundwater will be analyzed and the rationale for the selection of those chemicals, nutrients and constituents.

(2) The test methods that will be used to test for these chemicals, nutrients and constituents.

(3) An explanation of the sampling methods that will be used to obtain an accurate and representative sample of the contaminated soil and groundwater to be analyzed, including quality assurance and quality control procedures. The sampling method used shall assure at least one representative sample is taken from each soil pile or quantity of groundwater proposed to be applied to agricultural land.

(4) Individual soil piles and quantities of groundwater may contain different types and concentrations of chemicals, nutrients and constituents. Therefore, the plan shall include a method for labeling and managing the soil piles and quantities of groundwater to assure they are applied at the proper rates and to the proper areas once they reach the application site.



**§ 130d.15. Application site analysis.**

The applicant shall develop an application site analysis plan. The application site analysis plan shall cover soil samples taken from the proposed application site. The soil samples taken from the proposed application site shall be tested for each chemical, nutrient or constituent found in the soil or groundwater at the remediated sites that are proposed to be applied to the application site. In addition, the application site analysis shall delineate the soil types found within the proposed application area. The plan shall take into account the chemical analysis of waste required by § 130d.13 (relating to chemical analysis of waste) and the waste analysis required by § 130d.14 (relating to waste analysis plan). At a minimum, the application site analysis plan shall include:

(1) A chemical, nutrient and constituent analysis of each field or plot upon which a soil pile or quantity of groundwater from the remediated agricultural facility is to be applied.

(2) The test results from soil samples taken from each field at the proposed application sight where the contaminated media is to be applied.

(3) The person proposing to land apply the contaminated soil or groundwater shall test for all agricultural chemicals, the by-products or derivatives thereof, and each chemical, nutrient or constituent that was found to be present in the contaminated soil or groundwater, or both, at the agricultural chemical facility being remediated which are to be applied at the proposed application site.

(4) Soil samples from each field or plot upon which the contaminated soil or groundwater, or both, from the remediated agricultural facility is to be applied shall be tested at a laboratory approved by the Department and shall be done on a parts per million basis. A copy of the test results and a record of laboratory quality control procedures and the use of those procedures shall be submitted to the Department and to the owner of the agricultural land on which the contaminated soil and groundwater is sought to be applied. The submittal of quality control procedures and procedure information may be waived by the Department if the information has been previously submitted to the Department.

(5) Documentation of the soil types found within the proposed application area.

**§ 130d.16. Retained recordkeeping.**

(a) *General.* An applicant receiving permission to apply soil or groundwater contaminated with agricultural chemicals to agricultural land, shall maintain the following records:

(1) The daily operation records required by § 130d.68 (relating to daily operational records).

(2) The annual operation records required by § 130d.69 (relating to annual operational report).

(3) The signed agreement between the person responsible for the land application and the owner of the land upon which the soil or groundwater contaminated with agricultural chemicals will be applied.

(4) The right of entry agreement.

(b) *Inspection and audit.* The records and documents shall be available for inspection or audit at reasonable times by the Department or its authorized agents.

(c) *Retention time period.* The records and documents shall be retained by the person responsible for the application of the soil and groundwater for 5 years after

the date on which the site closure plan and final report were submitted and approved by the Department.

**§ 130d.17. Public notice by applicant.**

The applicant shall comply with the notice requirements established by the Pennsylvania Pesticide Control Act of 1973 (3 P. S. §§ 111.21—111.61) and the regulations in Chapter 128 (relating to pesticides).

**Subchapter C. GENERAL REQUIREMENTS FOR  
PERMISSION TO APPLY SOIL AND  
GROUNDWATER CONTAMINATED WITH  
AGRICULTURAL CHEMICALS TO  
AGRICULTURAL LAND**

Sec.

130d.21. General requirements for land application proposal form.

130d.22. Insurance.

130d.23. Right of entry and agreement with landowner.

130d.24. Identification of interest.

130d.25. Compliance information.

130d.26. Environmental assessment.

**§ 130d.21. General requirements for land application proposal form.**

(a) *Submittal.* Land application proposals shall be submitted in writing, on forms provided by the Department. Persons submitting land application proposals shall submit them to the Department at the address on the land application proposal form developed by the Department.

(b) *Documentation.* Each land application proposal shall include and have attached thereto, information, maps, plans, specifications, designs, analyses, test reports and other data as may be required by the Department to determine compliance with this chapter.

(c) *Information.* Information in the land application proposal shall be current, presented clearly and concisely and supported by appropriate references to technical and other written material made available to the Department.

(d) *Affirmation of chemical analysis and waste analysis plan.* The chemical analysis of waste and the waste analysis plan shall be supported by an affirmation of sworn statement, signed by the applicant, affirming that all known and likely chemicals, nutrients and constituents at the remediation site were tested for and the tests were performed in accordance with the procedures and protocols in the land application proposal.

(e) *Affirmation of operation plan.* The operating plan, setting forth the parameters, rates of application and methods to be employed for the land application of the soil or groundwater contaminated with agricultural chemicals, shall be affirmed by an appropriate certified applicator.

**§ 130d.22. Insurance.**

The applicant shall comply with the insurance requirements established by the Pennsylvania Pesticide Control Act of 1973 (3 P. S. §§ 111.21—111.61) and its regulations in Chapter 128 (relating to pesticides). The insurance policy shall be effective prior to the initiation of the application of the soil or groundwater contaminated with agricultural chemicals to the agricultural land and shall remain effective until final approval and implementation of the approved applicant's closure plan. See Subchapter H (relating to closure).

**§ 130d.23. Right of entry and agreement with landowner.**

(a) Each land application proposal shall contain a description of the documents upon which the applicant bases his legal right to enter onto, operate on and apply

soil and groundwater contaminated with agricultural chemicals on the proposed application site.

(b) The land application proposal shall provide one of the following:

(1) A copy of a signed consent agreement between the applicant and the current owner of the land upon which the soil or groundwater contaminated with agricultural chemicals will be applied.

(2) A copy of the document of conveyance that expressly grants or reserves the applicant the right to enter onto, operate on and apply soil and groundwater contaminated with agricultural chemicals on the current land owner's property and an abstract of title relating the documents to the current landowner.

(c) Each land application proposal shall contain, upon a form prepared and furnished by the Department, the irrevocable written consent of the landowner to the Commonwealth and its authorized agents to enter the proposed application site. The consent shall be applicable prior to the initiation of operations, for the duration of operations at the application site, and for up to 3 years after final closure for the purpose of inspection and monitoring and maintenance or abatement measures deemed necessary and ordered by the Department to carry out the purposes of the act and this chapter.

#### **§ 130d.24. Identification of interest.**

(a) Each land application proposal shall contain the following information:

(1) The legal names, addresses and telephone numbers of:

(i) The applicant.

(ii) The certified applicator.

(iii) Any contractor, if the contractor is a person other than the applicant.

(2) The name, address and telephone number of the current owner of record of the agricultural land on which the applicant intends to apply the soil and groundwater contaminated with agricultural chemicals.

(b) Each land application proposal shall contain a statement of whether the applicant is an individual, corporation, partnership, limited partnership, limited liability company, proprietorship, municipality, syndicate, joint venture or other association or entity. For applicants other than sole proprietorships, the land application proposal shall contain the following information, if applicable:

(1) The name and address of every officer, general and limited partner, director and other persons performing a function similar to a director of the applicant.

(2) For corporations, the names and addresses of the principal shareholders.

(3) For corporations, the names, principal places of business and the Internal Revenue Service tax identification numbers of the applicant corporation, United States parent corporations of the applicant, including ultimate parent corporations, and all United States subsidiary corporations of the applicant and the applicant's parent corporations.

(4) The names and addresses of other persons or entities having or exercising control over any aspect of the land application of the soil and groundwater contaminated with agricultural chemicals, including associates

and agents. This shall include a description of the duties and responsibilities and the control to be exercised by these persons.

(c) Each land application proposal shall list the additional permits or approvals necessary for the land application of the contaminated soil and groundwater to the proposed application site. The land application proposal shall set forth the status of those permits or approvals.

(d) Each land application proposal shall set forth any previous experience of the applicant with regard to land application of agricultural waste or soil or groundwater contaminated with agricultural or other chemicals. The applicant shall identify the location of the sites, the type of operation undertaken and the ultimate outcome of the operations.

#### **§ 130d.25. Compliance information.**

The land application proposal shall contain proof that the proposed land application will comply with all other Federal, State and local laws, rules and ordinances.

#### **§ 130d.26. Environmental assessment.**

(a) *Impacts.* The land application proposal shall include an environmental assessment setting forth a detailed analysis of the potential impact of the application of the soil and groundwater contaminated with agricultural chemicals to the proposed agricultural site. The analysis shall consider the potential impact on the site itself, water uses and land uses, contiguous land, the environment and public health and safety. The applicant shall consider environmental features such as streams, wells, local parks, special protected watersheds, wetlands and habitats of concern.

(b) *Harms.* The land application proposal shall include an environmental assessment detailing known and potential environmental harms of the proposed land application including any short-term or long-term effects or degradation to the fertility or quality of the agricultural land upon which the soil or groundwater contaminated with agricultural chemicals will be applied. The applicant shall consider drift and leaching of the agricultural chemicals to be applied.

(c) *Mitigation.* The land application proposal shall include a mitigation plan. The mitigation plan shall delineate the steps the applicant will take in the event the application of the soil or groundwater contaminated with agricultural chemicals has a negative impact on the application site or the environment or causes harm or degradation to the application site.

(d) *Review.* The Department will review the environmental assessment and mitigation plans and determine whether there are additional harms and whether all known environmental harms have been assessed and will be mitigated. The Department will evaluate each mitigation measure and will collectively review mitigation measures to insure that individually and collectively they adequately protect the farmland to which the soil and groundwater contaminated with agricultural chemicals is being applied, the environment and the public health and safety.

### **Subchapter D. LAND PROPOSAL REVIEW PROCEDURES**

Sec.

130d.31. Criteria for approval or denial.

130d.32. Receipt of land application proposal and completeness review.

130d.33. Review period.

130d.34. Review process.

**§ 130d.31. Criteria for approval or denial.**

(a) *Acceptance, approval, denial, modification and rescission.* In accordance with the authority in section 904(b) of the act (35 P. S. § 6026.904(b)), the Department will accept and review only those proposals which seek to apply soil or groundwater contaminated with agricultural chemicals, generated as a result of remediation activities at agricultural chemical facilities, that are to be applied to agricultural land.

(1) To carry out the duties in section 904(d) of the act, the Department will exercise its power to approve, deny or request modification of any proposal to apply soil or groundwater contaminated with agricultural chemicals generated as a result of remediation activities at agricultural chemical facilities that is to be applied to agricultural land.

(2) The Department may rescind an approval of a land application proposal if the person applying the contaminated soil or groundwater violates any provision of the act or this chapter or if it discovers a mistake or falsification made in the land application proposal, the test results, the sampling techniques or any part of the operation and actual application of the soil or groundwater to the agricultural land.

(b) *Affirmation of facts.* A land application proposal will not be approved unless the applicant affirmatively demonstrates to the Department's satisfaction that the following conditions are met:

(1) The land application proposal is complete, accurate and meets the standards established by the act and this chapter.

(2) The land application of the soil and groundwater contaminated with agricultural chemicals detailed in the land application proposal can be feasibly accomplished, under the techniques and facts set forth therein and as required by the act and this chapter.

(3) The land application of the soil and groundwater contaminated with agricultural chemicals detailed in the land application proposal will not cause harm to the environment, the health, safety and welfare of the general public, or degrade or pollute the agricultural land to which it will be applied.

(4) The land application of the soil and groundwater contaminated with agricultural chemicals detailed in the land application proposal will not violate the Pennsylvania Pesticide Control Act of 1973 (3 P. S. §§ 111.21—111.61), 3 Pa.C.S. §§ 6701—6725 (relating to Fertilizer Act), the Nutrient Management Act (3 P. S. §§ 1701—1718) or the Federal Insecticide, Fungicide and Rodenticide Act of 1947 (7 U.S.C.A. §§ 136—136y).

(c) Soil or groundwater containing contaminants other than agricultural chemicals. Where the soil or groundwater sought to be applied contains chemicals other than agricultural chemicals, the Department may approve the land application proposal contingent upon the applicant obtaining the necessary approvals or permits (when applicable) to land apply those chemicals from the appropriate agency.

**§ 130d.32. Receipt of land application proposal and completeness review.**

(a) *Receipt of land application proposal and completeness review.* After receipt of a land application proposal, the Department will determine whether the land application proposal is administratively complete.

(b) *Receipt.* For purposes of this section, "receipt of application" does not occur until the land application proposal is deemed administratively complete.

(c) *Administratively complete land application proposal.* A land application proposal is administratively complete if it contains all the necessary information, approvals, maps and other documents required by this chapter.

**§ 130d.33. Review period.**

(a) *Administratively complete land application proposal.* If the land application proposal is administratively complete, the Department will, within 60 days of receiving the administratively complete land application proposal, render a decision to approve, approve with modifications or deny the land application proposal. The Department will mail the applicant a written notice of approval or disapproval. A notice of disapproval will state the reasons for the Department's disapproval of the land application proposal.

(b) *Incomplete land application proposal.* When the land application proposal is not complete, the Department will send a written notice and a request for additional information and documentation to the applicant. When additional information and documentation is requested, the Department's review and consideration of the land application proposal will cease until the requested material is received. Upon receipt of all the additional information and documentation requested, the Department's 60-day review period begins. The Department will deny the land application proposal if the applicant fails to provide the additional information and documentation within 90 days of mailing of the request for additional information and documentation.

(c) *Failure of Department to comply with review period.* Failure by the Department to comply with the timetable established in this section will not be construed or understood to constitute grounds for an automatic approval of a land application proposal.

**§ 130d.34. Review process.**

(a) The Department will review all proposals for land application of soil or groundwater contaminated with agricultural chemicals, generated as the result of remediation activities at agricultural chemical facilities, to be applied to agricultural land.

(1) The Department will review all land application proposals with regard to the land application of agricultural chemicals only.

(2) If the laboratory chemical and waste analysis (required by §§ 130d.13 and 130d.14 (relating to chemical analysis of waste; and waste analysis plan)) results reveal the presence of chemicals other than agricultural chemicals, the Department will review the land application proposal (in accordance with this chapter) with respect to the approval or denial of the application of the agricultural chemicals contained in the soil or groundwater sought to be applied, but will not give final approval to the land application proposal.

(3) The Department will issue a written notice and request for additional information and documentation. The notice will contain an opinion with regard to the application of the agricultural chemicals contained in the soil and groundwater sought to be land applied. The request for additional information and documentation will require the applicant to obtain documentation of the permits and approvals necessary for the land application of the chemicals other than the agricultural chemicals before the Department will issue a final approval of the land application proposal.

(b) The decision of the Department to approve or deny a land application proposal is final with regard to that portion of the proposal that deals with application of the soil or groundwater contaminated with agricultural chemicals.

**Subchapter E. GENERAL REQUIREMENTS FOR  
LAND APPLICATION OF SOIL AND  
GROUNDWATER CONTAMINATED WITH  
AGRICULTURAL CHEMICALS**

Sec.

130d.41. General.

130d.42. Operating plan.

130d.43. Maps and related information.

**§ 130d.41. General.**

Soil or groundwater contaminated with agricultural chemicals may be land applied under the following terms and conditions:

- (1) Written authorization from the Department.
- (2) The soil and groundwater sought to be applied to agricultural land are contaminated with agricultural chemicals and result from the remediation of an agricultural chemical facility as defined under the act.
- (3) A signed agreement between the person responsible for the land application and the owner of the land upon which the soil or groundwater contaminated with agricultural chemicals will be applied. When the person responsible for the land application of the soil or groundwater contaminated with agricultural chemicals is the land owner, an agreement is not required.
- (4) Proper right of entry authorization.
- (5) Compliance with this subchapter.
- (6) Compliance with Subchapter B (relating to duties of applicators).
- (7) Compliance with Subchapter C (relating to general requirements for permission to apply soil and groundwater contaminated with agricultural chemicals to agricultural land).
- (8) Compliance with Subchapter D (relating to land proposal review procedures).
- (9) Submission of an operating plan complying with the standards in this subchapter.
- (10) Submission of all maps and related information required by this subchapter.
- (11) Compliance with the operating requirements established by Subchapter G (relating to general operating requirements for land application of soil and groundwater contaminated with agricultural chemicals).
- (12) Compliance with the closure requirements delineated in Subchapter H (relating to closure).

**§ 130d.42. Operating plan.**

The land application proposal shall contain an operating plan setting forth the following information:

- (1) The address and a description of the remediation site from which the contaminated soil or groundwater to be applied to the agricultural land originated or was generated.
- (2) The address and a description of the agricultural site to which the contaminated soil or groundwater will be applied.
- (3) The general operating plan for the proposed operation, including the proposed life of the operation, the

origin and chemical, nutrient and constituent make up of each soil pile or quantity of groundwater to be applied.

(4) The proposed application rate per acre, which shall be consistent with standards established by this chapter, including standards established by the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), Nutrient Management Act (3 P.S. §§ 1701—1718), 3 Pa.C.S. §§ 6701—6725 (relating to Fertilizer Act), Pennsylvania Pesticide Control Act of 1973 (3 P.S. §§ 111.21—111.61) and the Federal Insecticide, Fungicide and Rodenticide Act of 1947 (7 U.S.C.A. §§ 136—136y).

(5) The proposed methods, techniques and types of applications, which shall be consistent with standards established by this chapter, including standard established by the Solid Waste Management Act, Nutrient Management Act, Fertilizer Act, Pennsylvania Pesticide Control Act of 1973, Federal Insecticide, Fungicide and Rodenticide Act of 1947 and the Federal Food, Drug, and Cosmetic Act (21 U.S.C.A. §§ 301—392).

(6) The proposed dates of application.

(7) The equipment to be used for site preparation, land application of the contaminated soil and groundwater and incorporation of the contaminated soil.

(8) The use that will be made of the proposed application area and the crops that will be planted on each application plot for 3 years following the application.

(9) A plan to control drift or migration of the chemicals, nutrients and constituents in the soil and groundwater being applied.

(10) Information necessary to show compliance with Subchapter G (relating to general operating requirements for land application of soil and groundwater contaminated with agricultural chemicals).

**§ 130d.43. Maps and related information.**

(a) *Boundary map.* A land application proposal shall contain a detailed map including necessary narrative descriptions, which show the following:

(1) The boundaries and the names of the present owners of record of the land constituting the proposed application site and a description of all title, deed or usage restrictions, including easements, right-of-way, covenants and other property interests, affecting the proposed application site.

(2) The boundaries of the land where soil and groundwater contaminated with agricultural chemicals will be applied over the estimated total life of the proposed application, including the boundaries of land that will be affected in each sequence of land application activity.

(3) The map shall contain a grid showing the exact field or location where each soil pile or quantity of groundwater contaminated with agricultural chemicals will be applied.

(4) The location and name of public and private water supplies and wells within the proposed application site and adjacent areas that are within the setback requirements in Subchapter G (relating to general operating requirements for land application of soil or groundwater containing agricultural chemicals).

(b) *Soils map.* A land application proposal shall contain a United States Department of Agriculture Soil Conservation Service soils map or other reliable data if current soils maps are unavailable, which shows the location and types of soils within the proposed application area.

## Subchapter F. GENERAL REQUIREMENTS AND EXCEPTIONS FOR USE AND APPLICATION OF GROUNDWATER CONTAMINATED WITH AGRICULTURAL CHEMICALS AS TANK MIX

Sec.

130d.51. General requirements.

130d.52. General exceptions.

### § 130d.51. General requirements.

(a) *Special land application proposal form.* A person seeking approval to utilize and apply groundwater contaminated with agricultural chemicals generated as a result of remediation activities at an agricultural chemical facility as tank mix, shall apply in writing on a special land application proposal form prepared by the Department. The person seeking permission shall attach the chemical and waste analysis required by this chapter to the special land application proposal form.

(b) *Approval of special land application proposal form.* When the Department permits groundwater contaminated agricultural chemicals, generated as a result of remediation activities at an agricultural chemical facility, to be applied to agricultural land, the applicant shall comply with this chapter except those expressly waived by the Department in its letter of approval.

(c) *Denial of special land application proposal form.* When the Department denies a request to utilize and apply groundwater contaminated with agricultural chemicals as tank mix, the person seeking approval may still submit a land application proposal form under the standard provisions of this chapter. The Department's letter of denial will set forth the reasons for the denial.

(d) *Ongoing testing and monitoring requirement.* When the Department approves the utilization and application of groundwater contaminated with agricultural chemicals, the approved applicant shall be required to conduct ongoing testing and monitoring of the groundwater and to submit chemical and waste analysis plans on an annual basis, unless testing is required by the Department on a more regular basis, until a final closure plan has been submitted to the Department and pumping and application of the groundwater contaminated with agricultural chemicals has ceased. This requirement applies to each well or other source at the site being remediated, from which the groundwater contaminated with agricultural chemicals to be utilized as tank mix is being drawn or pumped.

(e) *Cancellation of approval to utilize and apply groundwater contaminated with agricultural chemicals as tank mix.* The Department will cancel the approval to utilize and apply groundwater contaminated with agricultural chemicals as tank mix if the groundwater contamination levels rise above the Environmental Protection Agency (EPA) published MCL and HAL standards or new contaminants are found. The utilization and land application of the contaminated groundwater as tank mix shall immediately cease. The previously approved applicant/applicator will no longer fall under the exception established by this subchapter and delineated in the Department's letter of approval. The applicant/applicator shall be required to comply with the standard land application requirements of this chapter. Land application of the groundwater contaminated with agricultural chemicals may not resume until the applicant/applicator can demonstrate compliance with this chapter.

### § 130d.52. General exceptions.

(a) When the chemical and waste analysis results manifest that the types and concentrations levels of

agricultural chemicals contained in the quantity of groundwater, generated as a result of remediation activities at an agricultural chemical facility, sought to be land applied are at levels below Environmental Protection Agency (EPA) published MCL and HAL standards, the Department may allow the groundwater to be utilized as tank mix.

(b) When the Department permits groundwater contaminated with agricultural chemicals to be utilized as tank mix, the Department may waive certain provisions of this chapter. The Department will set forth the waivers specifically in its letter of approval.

(c) The Department will not waive the following provisions:

(1) Section 130d.13 (relating to chemical analysis of waste).

(2) Section 130d.14 (relating to waste analysis plan).

(3) Section 130d.21 (relating to general requirements for land application proposal form).

(4) Section 130d.22 (relating to insurance).

(5) Section 130d.23 (relating to right of entry and agreement with landowner).

(6) Section 130d.24 (relating to identification of interest).

(7) Section 130d.25 (relating to compliance information).

(8) The provisions in Subchapter D (relating to land proposal review procedures).

(9) Section 130d.61 (relating to general provisions).

(10) Section 130d.62 (relating to standards for land application of soil and groundwater contaminated with agricultural chemicals).

(11) Section 130d.66 (relating to prohibited applications).

## Subchapter G. GENERAL OPERATING REQUIREMENTS FOR LAND APPLICATION OF SOIL AND GROUNDWATER CONTAMINATED WITH AGRICULTURAL CHEMICALS

Sec.

130d.61. General provisions.

130d.62. Standards for land application of soil and groundwater contaminated with agricultural chemicals.

130d.63. Land application rates and procedures.

130d.64. Additional application requirements.

130d.65. Limitations on land application of soil and groundwater contaminated with agricultural chemicals.

130d.66. Prohibited applications.

130d.67. Nuisance minimization and control.

130d.68. Daily operational records.

130d.69. Annual operational report.

### § 130d.61. General provisions.

An approved applicant shall comply with the act and this chapter and shall comply with the land application standards, rates, procedures limitations and prohibitions in this subchapter and the applicant's approved land application proposal.

### § 130d.62. Standards for land application of soil and groundwater contaminated with agricultural chemicals.

Persons seeking to apply soil or groundwater contaminated with agricultural chemicals resulting from the remediation of an agricultural facility to agricultural land shall comply with the following:

(1) The land application and application rate shall be consistent with labeling requirements for all pesticide active ingredients found in the soil or groundwater being land applied and the Department may require a safety factor of one-half the label application rate. With regard to fertilizer found in the soil or groundwater being land applied, the application shall be consistent with labeling and standards established by the *Pennsylvania Agronomy Guide*.

(2) The cumulative effect of all pesticides applied may not exceed the labeling rate for any of the pesticides contained in the soil pile or quantity of groundwater contaminated with agricultural chemicals.

(3) The cumulative effect of all fertilizer found in the soil or groundwater being land applied shall be consistent with and not exceed the standards established by the *Pennsylvania Agronomy Guide*.

(4) Proper application techniques (as suggested by the manufacturer and as set forth in this subchapter) shall be set forth in the applicant's operational plan and followed.

(5) Consultants or other individuals directing land application activities shall be certified in the appropriate use category to apply pesticides. A certified applicator is required to be onsite at all times during the application of pesticide contaminated soils.

(6) The landowner shall account for the amount of nutrients being applied to the land as set forth in the *Pennsylvania Agronomy Guide*.

(7) Individual soil piles and groundwater contaminated with agricultural chemicals may not be consolidated for application without prior written approval from the Department and the landowner.

(8) The Department may approve the application of minor amounts of additional agricultural chemicals, not found in background levels at the proposed application site, to the proposed application site in cases where the application rate will not result in crop injury, illegal crop residues, polluting or fouling of the agricultural land or cause unreasonable adverse effects on the environment. The Department will not approve an application of contaminated soil or groundwater where the application is likely to result in crop injury, illegal crop residues, polluting or fouling of the agricultural land or cause unreasonable adverse effects on the environment.

(9) The application of agricultural chemicals shall be in compliance with the Pennsylvania Pesticide Control Act of 1973 (3 P. S. §§ 111.21—111.61), the Federal Insecticide, Fungicide and Rodenticide Act of 1947 (7 U.S.C.A. §§ 136—136y), the *Pennsylvania Agronomy Guide* and any applicable nutrient management plan.

(10) With regard to the approval or denial of the land application of agricultural chemicals which have been banned, cancelled or suspended, the Department will follow the criteria and rules and regulations established under the Pennsylvania Pesticide Control Act of 1973, the Federal Insecticide, Fungicide and Rodenticide Act of 1947 and the Resource Conservation and Recovery Act of 1976 (42 U.S.C.A. §§ 6901—6986).

(11) Land application of incompatible agricultural chemicals is prohibited as required by the Pennsylvania Pesticide Control Act and the Federal Insecticide, Fungicide and Rodenticide Act.

(12) The person responsible for the land application of the soil and groundwater contaminated with agricultural chemicals shall attest that all local ordinances and issues

have been complied with and resolved before the Department will issue its approval of the land application.

(13) Upon completion of an approved land application project, a final report, containing information required by this chapter, shall be submitted to the Department.

### § 130d.63. Land application rates and procedures.

(a) *General provisions for application rate.* When reviewing a land application proposal to determine if the applicant properly calculated the application rate and acreage needed to properly apply soil and groundwater contaminated with agricultural chemicals, the Department will consider the following, which shall be addressed in the applicant's operation plan:

(1) The type and concentration of each agricultural chemical contained in each soil pile or quantity of groundwater reported by the applicant in the land application proposal submitted to the Department.

(2) The excavated soil type indicated by the applicant in the land application proposal submitted to the Department.

(3) The total volume of excavated soil or contaminated groundwater in each individual soil pile or quantity.

(4) The proposed application site crop for the upcoming growing season and a projected 3 year crop rotation plan including the use of the land, type of crop to be grown and the use of the crops. The same crop may be planted year after year with the approval of the Department.

(5) The concentration, in parts per million, of the active ingredients in each soil pile or quantity of groundwater contaminated with agricultural chemicals.

(6) The application rate for the selected site and crop based on the current labeling for each pesticide found. If fertilizers are being applied, the Department will follow the recommendations for fertilizer applications for specific crops listed in the latest edition of the *Pennsylvania Agronomy Guide*.

(7) A conversion factor (37,000) shall be used. The calculation considers the concentration of parts per million and the conversion of  $\text{ft}^3$  to  $\text{yd}^3$ .

$$(3\text{ft})^3/\text{yd}^3 \div 1,000,000 = 1/37037.037$$

The result of the calculation is the total acreage required for land application for each individual agricultural chemical. A safety factor included in this calculation considers the cumulative effect of all the pesticides detected in the soil pile or quantity of groundwater. The acres required for each individual contaminant found in each soil pile or quantity of groundwater contaminated with agricultural chemicals are summed. This value is the uniform soil application rate. Soil application rate (Volume of excavated soil or contaminated groundwater  $\div$  Total acres required) ( $\text{Yds}^3/\text{Acre}$ ).

(8) The application credits that shall be taken and the additive loading effect of the soil or groundwater contaminated with agricultural chemicals. The rate will be calculated using the following formula. (Land required for an individual contaminant  $\times$  Total acres required)  $\div$  Product label rate = Active ingredient application credit ( $\text{lbs}/\text{Acre}$ ).

(b) *Application rate considerations and procedures.* The following shall be addressed in the applicant's operation plan and will be considered by the Department when reviewing all land application proposals:

(1) *Application rate.* The application rate as compared to the label rates of the various compounds present in

each soil pile or quantity of groundwater contaminated with agricultural chemicals shall adhere to and not exceed the labeling rate for each compound present.

(2) *Total loading.* All pesticides detected in a single soil pile or quantity of groundwater contaminated with agricultural chemicals shall be considered when developing soil application rates. The cumulative effect of all the pesticides can be considered by summing the acreage needed for each individual pesticide to develop the total acreage required. Where more than one pesticide is present in a soil pile or quantity of groundwater the soil pile or groundwater shall be applied at the most restrictive labeling rate. Nutrients shall be considered separately from pesticides when developing soil application rates.

(3) *Incorporation.* The soil and groundwater contaminated with agricultural chemicals shall be applied in a manner that assures an even distribution of agricultural chemicals within the soil pile or quantity of groundwater and ensures the application rate will be uniform across the field application site. In addition, where incorporation is necessary, the incorporation techniques used for soil piles contaminated with agricultural chemicals shall achieve a mixture of top soil and contaminated media and shall ensure the contaminated media is incorporated to a depth of up to 6 inches.

(4) *Top soil considerations.* The applicant shall set forth procedures to assure that valuable topsoil will not be lost, stripped off the land or buried under the contaminated soil to be applied.

(5) *Uniform application rate.* The applicant shall set forth procedures to assure the application rate will be uniform across the field application area or as close to uniform as is possible given the current technology, machinery and application techniques available.

(6) *Multiple applications of pesticides.* The sum of pesticide active ingredient applied through any land application activities and other applications in the same season (or following season, in the case of fall or post-harvest land applications) may not exceed labeling rate restrictions for any pesticide applied.

(7) *Multiple applications of nutrients.* The total amount of nutrients applied through the land application plus other commercial fertilizers, manure and nutrient applications shall be set forth in the operation plan in the land application proposal. In addition, if the nutrients are being applied to an agricultural site that is required to have a nutrient management plan, under the Nutrient Management Act (3 P.S. §§ 1701—1718) the applicant shall attest that the application of the additional nutrients contained in the soil piles or groundwater to be applied conform with and do not violate the standards established in the applicant's nutrient management plan. If the application requires a revision to the nutrient management plan, the applicant must attach a notification from the State Conservation Commission attesting to the fact the nutrient management plan has been revised to account for the additional nutrients and the revised plan has received final approval.

(c) *Timetable for land application of soil and groundwater contaminated with agricultural chemicals.* Land application of soil and groundwater contaminated with agricultural chemicals must be applied between April 1 and September 30 of each year, unless otherwise approved in writing by the Department.

(d) *FIFRA and Pennsylvania Pesticide Control Act of 1973.* Application, application rates and application tech-

niques used to land apply soil piles and quantities of groundwater contaminated with agricultural chemicals may not violate the Federal Insecticide, Fungicide and Rodenticide Act of 1947 (7 U.S.C.A. §§ 136—136y) or the Pennsylvania Pesticide Control Act of 1973 (3 P.S. §§ 111.21—111.61).

#### § 130d.64. Additional application requirements.

In addition to the application requirements in §§ 130d.62 and 130d.63 (relating to standards for land application of soil and groundwater contaminated with agricultural chemicals; and land application rates and procedures) the operating plan shall include the following:

(1) A projected 3-year crop rotation plan for each field or plot upon which soil or groundwater contaminated with agricultural chemicals is to be applied, including type of crop to be grown, planting sequence, crop planting technique to be used, crop and land management and use of crops grown.

(2) A nutrient and pesticide management plan for the site, including:

(i) A description of the kind and amount of fertilizer, soil conditioner or pesticide that will be placed on the site in addition to the soil or groundwater contaminated with agricultural chemicals.

(ii) The number and kind of animals on the farm or property and the total nutrient value of the manure produced by those animals, and the location (field or plot) where the manure is to be placed.

(iii) An explanation and analysis of the effect on the soil and crops from the additional nutrients, soil conditioners or pesticides that would be supplied by the soil and groundwater contaminated with agricultural chemicals.

(iv) The benefit to the soil, crops or farming operation that the soil and groundwater contaminated with agricultural chemicals would provide.

#### § 130d.65. Limitations on land application of soil and groundwater contaminated with agricultural chemicals.

When reviewing a land application proposal the Department will consider the following which shall be addressed in the applicant's operation plan:

(1) *Labeling rates.* Pesticide contaminated soil and groundwater shall be applied to a site or crop, or both, in a manner consistent with labeling directions and requirements for that pesticide.

(2) *Annual crops.* In the case of annual crops, the crop shall be grown on the application area during the season that the application is made.

(3) *Postharvest application.* If land application is conducted in the fall or postharvest, the crop following the application must be suitable for the labeling requirements of the agricultural chemicals contained in the soil and groundwater to be land applied.

(4) *Site suitability.* Site suitability will be based on the land application proposal. The results of the reports contained within the land application proposal will be combined and shall evidence that the rates of application of the soil and groundwater contaminated with agricultural chemicals will comply with labeling requirements, will not exceed labeling rates, will not exceed additivity requirements and will not cause damage to the proposed application site or adjacent land or water. General slope, drainage characteristics, presence of shallow groundwa-

ter, distance to surface waters and suitability for agricultural purposes are some of the characteristics that will be considered.

(5) *Application of soil piles.* To allow for proper incorporation of contaminated soil piles, the soil piles may not be applied overtop of the soil at the application site at a thickness greater than 1/2 inch. The soil piles shall be incorporated into the soil at the application site to a depth of up to 6 inches, unless otherwise authorized by the Department.

(6) *Application techniques.* Soil and groundwater contaminated with agricultural chemicals may not be applied by any type of spray irrigation equipment or by aerial equipment or any other technique that may cause or lead to excessive drift of the agricultural chemicals contained in the soil or groundwater unless the person has demonstrated in the land application proposal the equipment or technique will not cause aerosol transport offsite or onto a field that will contain an incompatible crop, and the Department has approved the machinery or technique.

(7) *Ponding and standing accumulations.* Soil and groundwater contaminated with agricultural chemicals shall be applied to the soil surface and incorporated in a manner that prevents ponding or standing accumulations of contaminated soil overtop of the topsoil at the application site.

(8) *Pasturing or grazing.* Livestock may not be pastured or allowed to graze on areas where soil and groundwater contaminated with agricultural chemicals has been applied 5 years subsequent to the application, unless otherwise approved by the Department in writing.

(9) *Land use and crops.* The use that will be made of the proposed application area and the crops that will be grown on the site subsequent to the application of the soil and groundwater contaminated with agricultural chemicals, shall be consistent with the labeling requirements of the pesticides contained in the soil piles or groundwater to be applied.

#### **§ 130d.66. Prohibited applications.**

(a) *General.* The following applications of soil or groundwater contaminated with agricultural chemicals are prohibited, unless specifically authorized by the Department in writing:

(1) An application which would violate any provisions of act, environmental protection acts or this chapter.

(2) An application to any "preserved farmland" as defined in 4 Pa. Code Chapter 7, Subchapter W (relating to agricultural land preservation policy).

(3) An application to soil designated as "prime farmland" as defined under 7 CFR 657 (relating to prime and unique farmland).

(4) An application which would render the farmland unusable for agricultural purposes or would cause unreasonable adverse effects on the environment.

(5) An application which would cause the total annual application amounts of an agricultural chemical to exceed the respective labeling application rate on any application site.

(6) An application that does not comply with existing laws and regulations.

(7) An application where the soil or groundwater contaminated with agricultural chemicals contains a constituent in such high concentrations that it requires a loading rate which would give the media little or no

nutrient or soil conditioning value or little or no pesticide value when applied to the proposed application site.

(b) *Setback areas where land application is prohibited.* The operation plan shall address how the applicant intends to comply with this subsection. Soil and groundwater contaminated with agricultural chemicals may not be applied in the following areas:

(1) Within 100 feet of an intermittent, ephemeral or perennial stream.

(2) Within 300 feet of a water source unless the current owner of the water source has provided a written waiver consenting to the activities closer than 300 feet.

(3) Within 100 feet of a sinkhole or diversion ditch.

(4) Within 100 feet of an exceptional value wetland.

(5) Within 100 feet measured horizontally from an occupied dwelling, unless the current owner thereof has provided a written waiver consenting to the activities closer than 100 feet. The waiver shall be knowingly made and separate from a lease or deed unless the lease or deed contains and explicit waiver from the owner.

#### **§ 130d.67. Nuisance minimization and control.**

The approved applicant shall control and minimize conditions not otherwise prohibited by this chapter that are harmful to the environment or public health, or which create safety hazards, odors, dust, noise, unsightliness and other public nuisances.

#### **§ 130d.68. Daily operational records.**

(a) *General.* The applicant approved to apply soil and groundwater contaminated with agricultural chemicals to agricultural land shall make and maintain an operational record for each day that the contaminated soil or groundwater is applied. These records shall be maintained according to generally accepted principles.

(b) *Contents of daily operational record.* The daily operational record shall include the following:

(1) The specific soil piles or quantities of groundwater contaminated with agricultural chemicals applied that day, including weight or volume and types and levels of pesticides, fertilizers, soil conditioners nutrients and other chemicals in each soil pile or quantity of groundwater applied.

(2) The technique and equipment used to apply and incorporate each soil pile or quantity of groundwater contaminated with agricultural chemicals.

(3) The application rate and calculations evidencing the application rate for each soil pile or quantity of groundwater contaminated with agricultural chemicals are in compliance with this chapter.

(4) The specific location of the application of each soil pile or quantity of groundwater contaminated with agricultural chemicals.

(5) The name, mailing address, county and State of each generator of the contaminated media.

(6) A record of any deviations from the land application proposal operating plan.

(7) The general weather conditions during application.

(8) A record of actions taken to correct deviations from the operating plan or violations of the acts the environmental protection acts and this chapter.

(c) *Retention.* Daily operational records shall be maintained and retained until final approval of the site closure



plan (required by Subchapter H (relating to closure)) by the Department. These records shall be available to the Department upon request.

#### § 130d.69. Annual operational report.

(a) *General.* The applicant approved to apply soil and groundwater contaminated with agricultural chemicals to agricultural land shall make and maintain an annual operational record. These records shall be maintained according to generally accepted principles.

(b) *Contents of annual operational report.* The annual operational record shall be a compilation of the daily records made and maintained by the approved applicant. The annual operational record shall be a synopsis of the daily records and shall include the following:

(1) A synopsis of the weight or volume and types and levels of pesticides, fertilizers, soil conditioners nutrients and other chemicals applied to each field or plot at the application site.

(2) A synopsis of the techniques and equipment used to apply and incorporate each soil pile or quantity of groundwater contaminated with agricultural chemicals to each field or plot at the application site.

(3) A synopsis of the application rate and calculations evidencing the application rate to each field or plot for each soil pile or quantity of groundwater contaminated with agricultural chemicals are in compliance with this chapter.

(4) A final list containing the name, mailing address, county and state of each generator of contaminated media that was applied to the site. This list shall identify each soil pile and quantity of groundwater received from each generator.

(5) A final list, including dates, of any deviations from the land application proposal operating plan.

(6) A final list, including dates, of actions taken to correct deviations from the operating plan or violations of the act, the environmental protection acts and this chapter.

(7) A current certificate of insurance, as specified in § 130d.22 (relating to insurance), evidencing continuous coverage for comprehensive general liability insurance.

(8) A map of the same scale and type required by § 130d.43 (relating to maps and related information), showing the field boundaries where soil and groundwater contaminated with agricultural chemicals was applied, and the volume and type of agricultural chemicals and contaminated media applied to each field or other approved application area.

#### Subchapter H. CLOSURE

Sec.

130d.71. Site closure plan.

130d.72. Final report.

#### § 130d.71. Site closure plan.

(a) *General.* The parties involved in the land application of soil and groundwater contaminated with agricultural chemicals shall report the results of the land application activity to the Department upon completion of the application and treatment.

(b) *Contents of plan.* The site closure plan shall include the following:

(1) A proposed postapplication field soil sampling and analysis plan which shall be consistent with the procedures for soil sampling and analysis in §§ 130d.13—

130d.15 (relating to chemical analysis of waste; waste analysis plan; and application site analysis).

(2) The compounds to be analyzed for and the methods of analysis. This should be consistent with the initial background components analyzed and the methods used.

(3) A discussion of any problems encountered during the project and actions taken to correct any problems or violations.

(4) The analytical results of both the original application site analysis and the field closure soil sampling plan.

#### § 130d.72. Final report.

The final report shall contain the final results of the site closure plan, a narrative describing both positive and negative results of the land application and the following information:

(1) The name of the persons supervising the application.

(2) The total acreage on which the soil or groundwater, or both, contaminated with agricultural chemicals was applied.

(3) The dates of each application.

(4) The start and stop time of each application.

(5) The weather conditions during each application.

(6) The calibration measures used.

(7) The type of equipment used.

(8) The type of incorporation method used and the date of incorporation.

(9) The types and concentrations of agricultural chemicals present in each soil pile or quantity of groundwater and the specific field to which each soil pile or quantity of groundwater, or both, was applied.

(10) A discussion of any problems that occurred and actions taken to correct the problems.

[Pa.B. Doc. No. 02-619. Filed for public inspection April 19, 2002, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

[25 PA. CODE CH. 1021]

Practice and Procedure

The Environmental Hearing Board (Board) proposes to revise Chapter 1021 (relating to practice and procedures) by adding new procedural rules to read as set forth in Annex A.

The proposed procedural rules have several objectives:

(1) To provide the regulated community and the Department of Environmental Protection (Department) and other potential litigants with more specific guidance on how to represent their interests before the Board.

(2) To improve the rules of practice and procedure before the Board.

*(Editor's Note: The Board published a cross reference table of current section numbers to proposed section numbers at 32 Pa.B. 6156, 6158 and 6159 (November 10,*

2001). That proposed rulemaking has not been adopted as final-form. This document represents a change from that document.)

### *I. Statutory Authority for Proposed Revisions*

The Board has the authority under section 5 of the Environmental Hearing Board Act (act) (35 P.S. § 7515) to adopt regulations pertaining to practice and procedure before the Board.

### *II. Description of Proposed Revisions*

The proposed revisions are modifications to provisions of the rules to improve practice and procedure before the Board. These proposed revisions are based on the recommendations of the Board Rules Committee, a nine member advisory committee created by section 5 of the act to make recommendations to the Board on its rules of practice and procedure. For the recommendations to be promulgated as regulations, a majority of the Board members must approve the recommendations.

This summary provides a description of: (1) the existing rules of practice and procedure when relevant to proposed revisions; (2) the Board's proposed revisions; and (3) how the proposal differs from the Board Rules Committee's recommendations.

Some of the recommendations of the Board Rules Committee were not in proper legislative style and format, so they have been modified, where necessary, to conform to those requirements. Similarly, some of the recommendations did not contain proper cross references to 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) (GRAPP), so references to those rules have been added.

The proposed rulemaking adds three new rules and substantively or technically, or both, amends certain existing rules. The following new rules are added: (1) § 1021.31 (relating to signing); (2) § 1021.72 (relating to complaints filed by other persons); and (3) § 1021.73 (relating to transferred matters). The following rules are substantively amended: (1) § 1021.2 Definition of "pleading"; (2) § 1021.56(a) and (b) (relating to complaints filed by the Department) proposed to be renumbered as § 1021.71; (3) § 1021.70 (relating to general) proposed to be renumbered as § 1021.91; (4) § 1021.73 (relating to dispositive motions) proposed to be renumbered as § 1021.94; (5) § 1021.81 (relating to prehearing procedure) proposed to be renumbered as § 1021.101; (6) § 1021.82(a)(5) (relating to prehearing memorandum) proposed to be renumbered as § 1021.104; (7) § 1021.120(b) (relating to termination of proceedings) proposed to be renumbered as § 1021.141; (8) § 1021.142 (relating to application for cost and fees) proposed to be renumbered as § 1021.182; (9) § 1021.143 (relating to response to application) proposed to be renumbered as § 1021.183; and (10) § 1021.171 (relating to composition of the certified record on appeal to Commonwealth Court) proposed to be renumbered as § 1021.201. The following rules are technically amended only for the purpose of superseding GRAPP: (1) § 1021.70 (relating to general) proposed to be renumbered as § 1021.91; (2) § 1021.71 (relating to procedural motions) proposed to be renumbered as § 1021.92; (3) § 1021.72 (relating to discovery motions) proposed to be renumbered as § 1021.93; (4) § 1021.73 (relating to dispositive motions) proposed to be renumbered as § 1021.94; and (5) § 1021.74 (relating to miscellaneous motions) proposed to be renumbered as § 1021.95.

### *1. Definitions*

The definition of "pleading" has been amended to include complaints or answers filed by other persons against the Department under the Board's amended rules on special actions in §§ 1021.72 and 1021.73 and § 1021.57 (relating to answers to complaints filed by the Department) proposed to be renumbered as § 1021.74.

### *2. Signing*

The Board's rules do not contain a provision with respect to the signing of documents filed with the Board; however, both the Pennsylvania and Federal Rules of Civil Procedure contain such a rule. See Pa.R.C.P. 1023; Fed. R. Civ. P. 11. Signature rules are important because they guarantee that documents filed with the Board are authentic and bonafide, and require counsel or the party to attest that the documents are filed in good faith.

When drafting this new section, the Committee referenced and borrowed from Pa.R.C.P. 1023 and Fed. R. Civ. P. 11. Subsection (a) requires the signature of at least one attorney of record or if a party is proceeding pro se then a party to the litigation, and the address and phone number of the attorney or party filing the document. Subsections (b) and (c) require counsel or the party to represent that the document is being filed in good faith. This rule will also enable the Board to impose sanctions on those who file documents in bad faith. "Good faith" is defined in accordance with Pa.R.C.P. 1023.

The Committee recommends that this section be renamed "Signing, Filing and Service of Documents," that the proposed rule on signing be inserted at § 1021.31, and all other rules in this section be moved up one number starting with existing § 1021.31 (relating to filing).

The Board concurs with the Committee's recommendations.

### *3. Special Actions*

The Board's rules do not contain provisions for complaints filed against the Department under statutory authorization, such as section 505(f) of the Hazardous Sites Cleanup Act (35 P.S. § 6020.505(f)) or matters transferred to the Board from courts in this Commonwealth, for example, courts have referred claims of regulatory takings in violation of due process to the Board for a decision on whether such a taking has occurred. The rules in §§ 1021.56 (proposed to be renumbered §§ 1021.71) 1021.72, 1021.73, 1021.57 (proposed to be renumbered as § 1021.74) and 1021.58 (proposed to be renumbered as § 1021.75) will provide regulatory guidance to practitioners in theses and similar cases.

The Committee proposes adding two new sections titled "Complaints filed by other persons," to § 1021.72, and "Transferred matters," to § 1021.73. The Committee also noted that in Pennsylvania civil practice, filing a document commences an action, which conflicts with Board § 1021.56 (proposed to be renumbered as § 1021.71(b)) requiring both filing and service to commence an action with the Board. Therefore, the Committee recommends deleting the existing language in § 1021.56(b) relating to commencement of actions, and moving the commencement of action language to § 1021.56(a), stating that filing the complaint commences the action. In addition, the Committee proposes tracking the language in the Pa.R.C.P. to the greatest extent possible. Accordingly, in § 1021.56(a) the Committee deleted "initiate" and replaced it with "commence." Finally, the Committee pro-

poses revising the rules on service of these complaints to conform § 1021.56(b) to Pa.R.C.P. 403 governing service of original process.

The Board concurs with the Committee's recommendations.

#### 4. *Dispositive Motions*

The Board's existing regulation in § 1021.70 (proposed to be renumbered as § 1021.91) applies generally to all motions filed with the Board except those made during a hearing. Specifically, § 1021.70(a) and (d) require litigants to file dispositive motions setting forth, in numbered paragraphs, the facts in support of the motion and the relief requested. The Committee reviewed the practical effect that § 1021.70 has on dispositive motions filed with the Board. It noted that motions, and their corresponding responses and replies, are unnecessarily long because litigants feel compelled to include both background and material facts. The Committee determined that this results in a needless burden on litigants because counsels' time and effort developing and responding to facts, bearing little materiality to the relief requested in the motion, is disproportionate to the value it creates for the Board in rendering its decision. Another problem the Committee identified with § 1021.70 is that the motion and its supporting memorandum of law or brief are repetitive because of the numbered paragraph requirement for the motion. The Committee also noted that the rules of civil procedure for Federal and Pennsylvania practice do not require the exhaustive numbered paragraph approach employed in § 1021.70. Therefore, the Committee recommends making the rules for dispositive motions more manageable and meaningful by eliminating extraneous information in the motion, abolishing the requirement for filing lengthy motions and their corresponding responses, and allowing background information and nonmaterial facts to appear in the supporting memorandum of law or brief.

The proposed rule would change to require the motion to contain a concise statement of the relief requested, the reasons for granting that relief, and, when necessary, the material facts that support the relief sought. Second, the Committee recommends that dispositive motions be excluded from the purview of § 1021.70, which now requires the numbered paragraph approach.

The Board concurs with the Committee's recommendations.

#### 5. *Motions*

The Board's rules regulating motions supplement GRAPP, and therefore require practitioners to cross reference GRAPP with the Board's regulations. The Committee believes that cross referencing GRAPP is unnecessary and inefficient where the Board's rules have incorporated GRAPP or when GRAPP does not apply to the Board. Accordingly, under those circumstances, after reviewing the Board's rules on motions and GRAPP, the Committee recommends superseding GRAPP in the following sections: §§ 1021.70(h), 1021.71(h), 1021.72(e), 1021.73(g) 1021.74(e) (proposed to be renumbered as §§ 1021.91(h), 1021.92(h), 1021.93(e), 1021.94(g) and 1021.95(e)).

The Board concurs with the Committee's recommendation.

#### 6. *Prehearing Procedure, Expert Reports and Prehearing Memoranda*

Section 1021.81(a)(1) (proposed to be renumbered as § 1021.101) has been amended to clarify that discovery must be served, as opposed to concluded, within 90 days

of the date of the prehearing order in accordance with existing Board practice, as well as practice under the Pa.RCP. The deadlines in subsection (a)(2) and (3) for responding to expert interrogatories and filing dispositive motions have been modified accordingly. The change with respect to the service of discovery removes the ambiguity with respect to the time for completion of discovery by specifying that service of the discovery is the key point rather than the receipt of answers to written discovery or the conclusion of all depositions. This gives needed flexibility to counsel in concluding discovery without unnecessary intervention of the Board.

Subsection (a)(2) has been revised so that a party may respond to expert interrogatories by either answering the interrogatories or by serving an expert report along with a statement of qualifications. Section 1021.82(a)(5) (proposed to be renumbered as § 1021.104) has been revised so that a party may file with his prehearing memorandum an expert report or answers to expert interrogatories or, if no report or answers exist, a summary of the testimony of each expert witness he intends to call at the hearing. The change with respect to expert reports was adopted to give the parties flexibility as to when they need to incur the expense of an expert's fee for preparing a written opinion and whether a written opinion should be prepared in advance of the time for filing prehearing memoranda with the Board. At the same time, it requires disclosure of the opinions and qualifications of any expert by way of answers to interrogatories and in the prehearing memorandum to avoid surprise at the hearing on the merits.

The Board concurs with the Committee's recommendation.

#### 7. *Termination of Proceedings*

In § 1021.120(b) (proposed to be renumbered as § 1021.141) governing the withdrawal of appeals, the default presumption that a matter is withdrawn with prejudice unless otherwise indicated by the Board. This provision presents a problem for many practitioners because such a withdrawal may bar, unwittingly, a party from raising similar issues in a subsequent proceeding even though the Board has not substantively ruled on those issues. The problem typically occurs during settlement negotiations because the litigants often face the obstacle of negotiating the withdrawal of their appeal without prejudice, to avoid the preclusive effect of § 1021.120(b). The Committee determined that the rule is not desirable because it presents an unnecessary barrier to settlement. Under almost all circumstances, the 30-day requirement for filing an appeal will act as a bar against subsequent untimely appeals. The Board recommended the deletion of the section in favor of determining the effect of the withdrawal of an appeal on a case-by-case basis, and the Committee agrees. Despite this change, practitioners must still consider if administrative finality might bar litigation of a similar issue in a subsequent appeal.

The Board concurs with the Committee's recommendations.

#### 8. *Application for cost and fees*

The General Assembly passed the act of December 20, 2000 (P. L. 980, No. 138) (Act 138), which sets forth new standards for the award of attorney's fees and costs in mining appeals. Act 138 repealed the attorney's fee provisions of Pennsylvania's mining statutes and replaced them with new provisions found at 27 Pa.C.S. §§ 7707 and 7708 (relating to participation in environmental law

or regulation; and costs for mining proceedings). The Committee reviewed Act 138 and the Board's rules on awarding attorneys fees and costs, §§ 1021.141—1021.144 (proposed to be renumbered as §§ 1021.181—1021.184), and determined that the Board's regulations needed to be revised to make them uniform with Act 138. Therefore, the Committee proposes amending Board §§ 1021.142 and 1021.143, to make them consistent with Act 138.

The Board concurs with the Committee's recommendation.

#### 9. *Composition of certified record on appeal to Commonwealth Court*

The Board recently initiated an elective electronic filing system for those practitioners who choose to file and accept service of documents electronically. The Board's § 1021.171 (proposed to be renumbered as § 1021.201), does not specifically provide for the composition of a certified record for those Board cases taking part in the electronic filing program. Therefore, the Committee proposes § 1021.171(d), which provides for the procedure for certifying to Commonwealth Court those documents electronically filed with the Board.

In addition, the Committee noted that § 1021.171(a) improperly referred to a posthearing memorandum instead of posthearing brief; therefore, the Committee recommends amending subsection (a) to replace posthearing memorandum with posthearing brief.

The Board concurs with the Committee's recommendations.

#### III. *Fiscal Impact of the Proposed Revisions*

The proposed amendments will have no measurable fiscal impact on the Commonwealth, political subdivisions or the private sector. The amendments may have a favorable economic impact in that they may eliminate potential litigation over existing uncertainties in Board procedures, authority and requirements.

#### IV. *Paperwork Requirements for Proposed Revisions*

The proposed revisions will not require the Board to modify its standard orders.

#### V. *Public Meeting on Proposed Rules*

In accordance with 65 Pa.C.S. § 704 (relating to open meetings), a quorum of the members of the Board voted to adopt the proposed amendments at public meetings held on January 9, 2002, and February 5, 2002, at the Board's Harrisburg office, Hearing Room 2, Second Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

#### VI. *Government Reviews of Proposed Revisions*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 10, 2002, the Board submitted copies of the proposed revisions to the Independent Regulatory Review Commission (IRRC) and the Senate and House Standing Committees on Environmental Resources and Energy. The Board also provided IRRC and the Committees with copies of a Regulatory Analysis Form prepared by the Board in compliance with Executive Order 1996-1 (relating to improving government regulations). Copies of the Regulatory Analysis Form are available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any of the proposed revisions, it will notify the Board within 10 days of the close of the Committees' review period, specifying the regulatory re-

view criteria that have not been met. The Regulatory Review Act sets forth procedures for review, prior to final publication of the proposed revisions, by the Board, the General Assembly and the Governor of objections raised.

#### VII. *Public Comment Regarding Proposed Revisions*

The Board invites interested persons to submit written comments, suggestions or objections regarding the proposed revisions to William T. Phillipy, IV Secretary to the Environmental Hearing Board, 2nd Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, within 30 days of this publication.

GEORGE J. MILLER,  
*Chairperson*

**Fiscal Note:** 106-7. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 25. ENVIRONMENTAL PROTECTION PART IX. ENVIRONMENTAL HEARING BOARD CHAPTER 1021. PRACTICE AND PROCEDURE PRELIMINARY PROVISIONS

#### GENERAL

#### § 1021.2. Definitions.

The following words and terms, when used in this [part] chapter, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*Pleading*—A complaint filed under § [ 1021.56 ] § 1021.71, § 1021.72 or § 1021.73 (relating to complaints filed by the Department; **complaints filed by other persons; and transferred matters**) or answer filed under § [ 1021.57 ] 1021.74 (relating to **answers to complaints [filed by the Department]**). Documents filed in appeals, including the notice of appeal, are not pleadings.

\* \* \* \* \*

#### DOCUMENTARY FILINGS

#### SIGNING, FILING AND SERVICE OF DOCUMENTS

#### § 1021.31. Signing.

(a) Every notice of appeal, motion, legal document or other paper directed to the Board and every discovery request or response of a party represented by an attorney shall be signed by at least one attorney of record in the attorney's individual name, or if a party is not represented by an attorney, shall be signed by the party. Each paper shall state the signer's address and telephone number.

(b) The signature to a document described in subsection (a) constitutes a certification that the person signing, or otherwise presenting it to the Board, has read it, that to the best of his knowledge or information and belief there is good ground to support it, and that it is submitted in good faith and not for any improper purpose such as to harass, cause unnecessary delay, or needless increase in the cost of litigation. There is good ground to support the document if the signer or presenter has a reasonable belief that existing law supports the document or that there is a good faith argument for the extension, modification or reversal of existing law.

(c) The Board may impose an appropriate sanction for a bad faith violation of subsection (b).

§ [ 1021.30 ] 1021.32. Filing.

\* \* \* \* \*

§ [ 1021.31 ] 1021.33. Service by the Board.

\* \* \* \* \*

§ [ 1021.32 ] 1021.34. Service by a party.

\* \* \* \* \*

§ [ 1021.33 ] 1021.35. Date of service.

\* \* \* \* \*

§ [ 1021.34 ] 1021.36. Certificate of service.

\* \* \* \* \*

§ [ 1021.35 ] 1021.37. Number of copies.

\* \* \* \* \*

§ [ 1021.36 ] 1021.38. Publication of notice.

\* \* \* \* \*

§ [ 1021.41 ] 1021.39. Docket.

\* \* \* \* \*

#### SPECIAL ACTIONS

§ [ 1021.56 ] 1021.71. Complaints filed by the Department.

(a) When authorized by statute, the Department may **[ initiate ]** commence the action by filing a complaint or petition **[ , together with a certificate of service ]** and a notice of a right to respond. **The action is commenced when the complaint or petition is filed with the Board.**

(b) **[ This action shall commence when the complaint is filed and service of the complaint and a notice of a right to respond is made upon the defendant. ]** Service of the complaint or petition shall be by personal service or by any form of mail requiring a receipt signed by the party or the party's authorized agent. In the instance of mail, service shall be complete upon delivery. Service of all other documents shall be made in accordance with § 1021.34 (relating to service by party).

\* \* \* \* \*

§ 1021.72. Complaints filed by other persons.

(a) When authorized by statute, a person may institute an action against the Department by filing a complaint.

(b) Service of the complaint or petition shall be by personal service or by any form of mail requiring a receipt signed by the party or the party's authorized agent. In the instance of mail, service shall be complete upon delivery. Service of all other documents shall be made in accordance with § 1021.34 (relating to service by party).

(c) The complaint shall set forth the statutory authority under which the Board is authorized to act and shall set forth in separate numbered paragraphs the specific facts and circumstances upon which the request for action is based.

(d) Subsections (a)—(c) supersede 1 Pa. Code §§ 35.5—35.7 and 35.9—35.11 (relating to informal complaints and formal complaints).

§ 1021.73. Transferred matters.

(a) This rule addresses matters transferred to the Board from a court.

(b) Within the time period directed to do so by the Board, the party who initiated the transferred action shall file a complaint with the Board.

(c) Service of the complaint or petition shall be by personal service or by any form of mail requiring a receipt signed by the party or the party's authorized agent. In the instance of mail, service shall be complete upon delivery. Service of all other documents shall be made in accordance with § 1021.34 (relating to service by party).

(d) The complaint shall set forth in separate numbered paragraphs the specific facts and circumstances upon which the request for relief is based.

(e) Subsections (a)—(b) supersede 1 Pa. Code §§ 35.5—35.7 and 35.9—35.11 (relating to informal complaints and formal complaints).

§ [ 1021.57 ] 1021.74. Answers to complaints **[ filed by the Department ]**.

\* \* \* \* \*

§ [ 1021.58 ] 1021.75. Procedure after an answer is filed.

\* \* \* \* \*

#### MOTIONS

§ [ 1021.70 ] 1021.91. General.

(a) This section applies to all motions except **dispositive motions** and those made during the course of a hearing.

\* \* \* \* \*

(c) A copy of the motion or response shall be served on the opposing party. **[ The motion or response shall include a certificate of service indicating the date and manner of service on the opposing party. ]**

\* \* \* \* \*

(e) A response to a motion shall set forth in correspondingly-numbered paragraphs all factual disputes and the reason the opposing party objects to the motion. Material facts set forth in a motion **[ , other than a motion for summary judgment or partial summary judgment, ]** that are not denied may be deemed admitted for the purposes of deciding the motion.

(f) **[ Except in the case of motions for summary judgment or partial summary judgment, for ]** For purposes of the relief sought by a motion, the Board will deem a party's failure to respond to a motion to be an admission of all properly-pleaded facts contained in the motion.

(g) **[ Except as provided in § 1021.73(e) (relating to dispositive motions), the ]** The moving party may not file a reply to a response to its motion unless the Board orders otherwise.

(h) Subsection (b) supplements 1 Pa. Code § [ § ] 33.11 **[ and 35.178 ]** (relating to execution **[ ; and presentation of motions ]**) and **supersedes 1 Pa. Code**

§ 35.178 (relating to presentation of motions). Subsection (c) **[supplements]** **supersedes** 1 Pa. Code §§ 33.32, **[(relating to service by a participant) and supersedes 1 Pa. Code § ]** 33.35 and 33.36 (relating to service by a participant; proof of service; and form of certificate of service). Subsections (d)—(f) **[supplement]** **supersede** 1 Pa. Code §§ 35.177 and 35.178 (relating to scope and content of motions; and presentation of motions).

§ **[ 1021.71 ] 1021.92.** Procedural motions.

\* \* \* \* \*

(h) Subsection (b) **[supplements]** **supersedes** 1 Pa. Code § 33.12 (relating to verification). Subsections (c) and (e) **[supplement]** **supersede** 1 Pa. Code § 35.177 (relating to scope and contents of motions). Subsection (d) **[supplements]** **supersedes** 1 Pa. Code § 35.179 (relating to objections to motions).

§ **[ 1021.72 ] 1021.93.** Discovery motions.

\* \* \* \* \*

(e) Subsection (b) **[supplements]** **supersedes** 1 Pa. Code § 33.12 (relating to verification). Subsections (b) and (d) **[supplement]** **supersede** 1 Pa. Code § 35.177 (relating to scope and contents of motions). Subsection (c) **supersedes** 1 Pa. Code § 35.179 (relating to objections to motions).

§ **[ 1021.73 ] 1021.94.** Dispositive motions.

(a) This section applies to dispositive motions. **Dispositive motions shall contain a concise statement of the relief requested, the reasons for granting that relief, and, when necessary, the material facts that support the relief sought.**

(b) Motions for summary judgment or partial summary judgment and responses shall conform to Pa.R.C.P. 1035.1—1035.5 (relating to motion for summary judgment) **[except for the provision of the 30 day period in which to file a response ]**.

(c) Dispositive motions, **responses and replies** shall be **in writing, signed by a party or its attorney and served on the opposing party. Dispositive motions shall be** accompanied by a supporting memorandum of law **or brief**. The Board may deny a dispositive motion if a party fails to file a supporting memorandum of law **or brief**.

(d) A response to a dispositive motion may be filed within **[ 25 ] 30** days of the date of service of the motion, and **[may]** **shall** be accompanied by a supporting memorandum of law **or brief**.

(e) A reply to a response to a dispositive motion may be filed within **[ 20 ] 15** days of the date of service of the response, and may be accompanied by a supporting memorandum of law **or brief. Reply briefs or memoranda of law shall be as concise as possible and may not exceed 25 pages. Longer briefs or memoranda of law may be permitted at the discretion of the presiding administrative law judge.**

(f) An affidavit or other document relied upon in support of a dispositive motion**[, ]** **or response[or reply]**, that is not already a part of the record, shall be attached to the motion**[, ]** **or response [or reply]** or it will not be considered by the Board in ruling thereon.

(g) Subsection (c) **[supplements]** **supersedes** 1 Pa. Code § 35.177 (relating to scope and content of motions). Subsection (d) **supersedes** 1 Pa. Code § 35.179 (relating to objections to motions).

**[Comment: Subsection (d) supersedes the filing of a response within 30 days set forth in Pa.R.C.P. 1035.3(a). ]**

§ **[ 1021.74 ] 1021.95.** Miscellaneous motions.

\* \* \* \* \*

(e) Subsection (b) **[supplements]** **supersedes** 1 Pa. Code § 33.12 (relating to verification).

## PREHEARING PROCEDURES AND PREHEARING CONFERENCES

§ **[ 1021.81 ] 1021.101.** Prehearing procedure.

(a) Upon the filing of an appeal, the Board will issue a prehearing order providing, **among other things**, that:

(1) **[Discovery,]** **All discovery, including any discovery of expert witnesses, shall be [concluded within ] served no later than** 90 days of the date of the prehearing order.

(2) The party with the burden of proof shall serve its **[expert reports and]** answers to all expert interrogatories within **[ 120 ] 150** days of the date of the prehearing order. The opposing party shall serve its **[expert reports and]** answers to all expert interrogatories within 30 days after receipt of the **[expert reports and]** answers to all expert interrogatories from the party with the burden of proof. **The service of a report of an expert together with a statement of qualifications may be substituted for an answer to interrogatories.**

(3) Dispositive motions in a case requiring expert testimony shall be filed within **[ 180 ] 210** days of the date of the prehearing order. If neither party plans to call an expert witness, dispositive motions shall be filed within **[ 150 ] 180** days after the filing of the appeal unless otherwise ordered by the Board.

\* \* \* \* \*

(e) Subsection (d) **[supplements]** **supersedes** 1 Pa. Code § 35.121 (relating to initiation of hearings).

§ **[ 1021.82 ] 1021.104.** Prehearing memorandum.

(a) A prehearing memorandum shall contain the following:

\* \* \* \* \*

(5) **[A]** **For each expert witness a party intends to call at the hearing, answers to expert interrogatories and a copy of any expert report provided under § 1021.101(a)(2) (relating to prehearing procedure). In the absence of answers to expert interrogatories or an expert report, a summary of the testimony of each expert witness.**

\* \* \* \* \*

## TERMINATION OF PROCEEDINGS

§ **[ 1021.120 ] 1021.141.** Termination of proceedings.

\* \* \* \* \*

[ (b) When a proceeding is withdrawn prior to adjudication, withdrawal shall be with prejudice as to all matters which have preceded the action unless otherwise indicated by the Board.

(c) ] (b) \* \* \*

[ (d) ] (c) \* \* \*

**Comment:** The prior rule in § 1021.120(b) authorizing dismissal with and without prejudice was deleted because the Board thought it more appropriate to determine this matter by case law rather than by rule.

#### **ATTORNEY FEES AND COSTS AUTHORIZED BY STATUTE OTHER THAN THE COSTS ACT**

§ [ 1021.142 ] 1021.182. Application for costs and fees.

(a) [ A request for costs and fees shall be by verified application, setting forth sufficient grounds to justify the award, including the following: ] A request for costs and fees shall conform to any requirements set forth in the statute under which costs are being sought.

[ (1) A copy of the order of the Board in the proceedings in which the applicant seeks costs and attorney fees.

(2) A statement of the basis upon which the applicant claims to be entitled to costs and attorney fees.

(3) A detailed listing of the costs and attorney fees incurred in the proceedings. ]

(b) [ An applicant shall file an application with the Board within 30 days of the date of a final order of the Board. An applicant shall serve a copy of the application upon the other parties to the proceeding. ] A request for costs and fees shall be by verified application, setting forth sufficient grounds to justify the award, including the following:

(1) A copy of the order of the Board in the proceedings in which the applicant seeks costs and attorney fees.

(2) A statement of the basis upon which the applicant claims to be entitled to costs and attorney fees.

(3) An affidavit setting forth in detail all reasonable costs and fees incurred for or in connection with the party's participation in the proceeding, including receipts or other evidence of the costs and fees.

(4) When attorney fees are claimed, evidence concerning the hours expended on the case, the customary commercial rate of payment for such services in the area and the experience, reputation and ability of the individual or individuals performing the services.

(5) The name of the party from whom costs and fees are sought.

\* \* \* \* \*

(d) The Board may deny an application *sua sponte* if it fails to provide all the information required by this section in sufficient detail to enable the Board to grant the relief requested.

§ [ 1021.143 ] 1021.183. Response to application.

A response to an application shall be filed within [ 15 ] 30 days of service. A factual basis for the response shall be verified by affidavit.

#### **APPELLATE MATTERS**

§ [ 1021.171 ] 1021.201. Composition of the [ **Certified Record** ] **certified record** on appeal to Commonwealth Court.

\* \* \* \* \*

(b) In addition to items listed in subsection (a), for appeals of Board adjudication, the record shall also include:

\* \* \* \* \*

(3) The parties' posthearing [ **memoranda** ] **briefs**, including requested findings of fact and conclusions of law.

\* \* \* \* \*

(d) In the event that a legal document was electronically filed, a paper copy of the electronic filing will be submitted to the Commonwealth Court as part of the certified record in accordance with this rule, notwithstanding the provisions of § 1021.39(c) (relating to docket) that the official copy of an electronically filed document shall be that appearing on the Board's website.

[Pa.B. Doc. No. 02-620. Filed for public inspection April 19, 2002, 9:00 a.m.]

## **PENNSYLVANIA PUBLIC UTILITY COMMISSION**

[52 PA. CODE CH. 63]

[L-00990141]

### **Generic Competitive Safeguards**

The Pennsylvania Public Utility Commission (Commission) on November 30, 2001, adopted a proposed rulemaking order which establishes competitive safeguards to assure the provision of adequate and nondiscriminatory access by incumbent local exchange carriers (ILEC) to competitive local exchange carriers (CLEC) and to prevent cross subsidization and unfair competition. The contact persons are Gary Wagner, Bureau of Fixed Utility Services, (717) 783-6175 and Carl S. Hisiro, Law Bureau, (717) 783-2812.

#### *Executive Summary*

Section 3005(b) and (g)(2) of the Public Utility Code (code) (66 Pa.C.S. § 3005(b) and (g)(2)) require the Commission to establish regulations to prevent unfair competition, discriminatory access and the subsidization of competitive services through revenues earned from non-competitive services. On March 23, 1999, the Commission issued an Advance Notice of Proposed Rulemaking to solicit comments from jurisdictional telecommunication utilities and other interested parties regarding the development of generic competitive safeguards under Chapter 30 of the code (66 Pa.C.S. §§ 3001—3009).

The proposed regulations establish competitive safeguards in furtherance of Chapter 30's mandate to encour-

age and promote competition in the provision of telecommunications products and services throughout this Commonwealth. The proposed regulations also require incumbent carriers with more than 1 million access lines to maintain a functionally separate wholesale organization with its own direct line of management and separate business records which will be subject to review by the Commission.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on April 11, 2002, the Commission submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Committees. In addition to submitting the proposed rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Commission in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed rulemaking, it will notify the Commission within 10 days of the close of the Committees' review period. The notification shall specify the regulatory review criteria that have not been met by the portion of the proposed rulemaking to which an objection is made. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Commission, the General Assembly and the governor of objections raised.

#### **Proposed Rulemaking Order**

Public Meeting held  
November 30, 2001

*Commissioners present:* Glen R. Thomas, Chairperson, statement follows; Robert K. Bloom, Vice Chairperson; Aaron Wilson, Jr.; Terrance J. Fitzpatrick, statement follows

#### *By the Commission:*

This proposed rulemaking establishes competitive safeguards in furtherance of the provisions of Chapter 30 of the code and Chapter 30's mandate to encourage and promote competition in the provision of telecommunications products and services throughout this Commonwealth.

#### **A. Background and Procedural History**

At the Public Meeting of March 18, 1999, the Commission entered an order directing that an Advance Notice of Proposed Rulemaking be issued to solicit comments regarding the development of generic competitive safeguards under section 3005(b) and (g)(2) of the code. That order also directed that the matter of imputation<sup>1</sup> with regard to the provision of intraLATA service by local exchange carriers (LECs) be consolidated with the rulemaking proceeding. The Advance Notice was published at 29 Pa.B. 1895 (April 10, 1999) and comments and reply comments on these issues were thereafter received from a number of interested parties.

Section 3005(b) and (g)(2) of the code require the Commission to establish regulations to protect competition by preventing the subsidization of competitive services through revenues earned from noncompetitive ser-

vices. Specifically, section 3005(b) of the code requires regulations aimed at preventing unfair competition and ensuring that LECs provide reasonable nondiscriminatory access to their services and facilities by competitors. Section 3005(g)(2) of the code requires regulations governing the allocation of costs for telephone services to prevent subsidization or support for competitive services with revenues earned or expenses incurred in conjunction with noncompetitive services.

The issue of competitive safeguards,<sup>2</sup> including the establishment of Competitive Safeguards Regulations,<sup>3</sup> was initially addressed by this Commission in its June 28, 1994, Final Order at Docket No. P-00930715 disposing of the Bell Atlantic-Pennsylvania, Inc. (now known as Verizon Pennsylvania Inc.) (BA-PA) Petition for Alternative Regulation filed under Chapter 30.<sup>4</sup> The Bell Chapter 30 Order, however, referred the issue of establishing Competitive Safeguard Regulations to the Office of Administrative Law Judge (OALJ) and instructed the OALJ to use the Commission's Alternative Dispute Resolution process to address and resolve several issues.<sup>5</sup>

The issues referred to the OALJ in that order were cost allocation, unbundling and imputation associated with competitive safeguards. We also directed that a separate proceeding be established to promulgate generic regulations applicable for all LECs filing for alternative rate regulation under Chapter 30. Consistent with these instructions, the OALJ opened a Competitive Safeguards Proceeding at M-00940587.

Following the publication of a Notice of Investigation Into Competitive Safeguards, the Commission received comments and reply comments from a number of interested parties. On August 6, 1996, we entered a final order in the Competitive Safeguards proceeding that was limited to Bell-specific competitive safeguards.<sup>6</sup> The competitive safeguards approved by the Commission were submitted by BA-PA as part of its Chapter 30 competitive services deregulation plan, as modified by the Competitive Safeguards Order.

On September 9, 1996, in a separate proceeding, we entered an order regarding implementation of the Federal Telecommunications Act of 1996 (TA-96).<sup>7</sup> The TA-96 Implementation Order addressed intraLATA services by BA-PA, but did not resolve the question of imputation for the delivery of intraLATA services by LECs other than BA-PA.

#### **B. Rulemaking Issues and Associated Comments**

As already noted, we opened the instant rulemaking at the March 18, 1999, Public Meeting via issuance of an Advance Notice of Proposed Rulemaking. The purpose of this Notice was to provide all LECs and other interested parties an opportunity to provide comments and reply comments on the need for developing generic competitive safeguards. We specifically asked for comments on cost

<sup>2</sup> The term "Competitive Safeguards" is a generic term referring to the multiple protections needed to foster competition in any specific industry that was previously regulated.

<sup>3</sup> The term "Competitive Safeguard Regulations" refers to the regulations required by section 3005(b) and (g)(2) of the code.

<sup>4</sup> *In Re Bell Atlantic-Pennsylvania, Inc.'s Petition and Plan for Alternative Form of Regulation Under Chapter 30*, Dkt. No. P-00930715 (Order entered June 28, 1994) (Bell Chapter 30 Order).

<sup>5</sup> *Id.* at 113-14.

<sup>6</sup> *Investigation Pursuant to Section 3005 of the Public Utility Code to Establish Standards for Competitive Services*, Dkt. No. M-00940587 (Order entered August 6, 1996) (Competitive Safeguards Order).

<sup>7</sup> *Implementation of the Telecommunications Act of 1996*, Dkt. No. M-00960799 (Order on Reconsideration entered September 9, 1996) (TA-96 Implementation Order). This Order modified in certain respects an earlier order entered on June 3, 1996, to implement TA-96. The June 3, 1996, Order found, inter alia, that all noncompetitive intraLATA toll services provided by any LEC should be subject to an imputation requirement. The September 9, 1996, Order suspended the imputation requirement as applied to all LECs other than BA-PA.

<sup>1</sup> "Imputation" is a term of art. The term generally refers to those requirements necessary to ensure that an ILEC incorporates in its cost-of-service calculations the same access charges on itself as it imposes on other competitors for the delivery of any service function that both the ILEC and its competitors need to deliver a service.



allocation, unbundling, imputation and on any other issues the parties thought would be appropriate in developing Competitive Safeguard Regulations under Chapter 30. We also invited parties to submit proposed regulatory language for consideration.

On or about May 25, 1999, the Commission received initial comments from Verizon Pennsylvania, Inc. (formerly Bell Atlantic-Pennsylvania, Inc.) (Verizon-PA)<sup>8</sup>, AT&T Communications of Pennsylvania, Inc. (AT&T), The United Telephone Company of Pennsylvania and Sprint Communications Company, LP (Sprint), GTE North Incorporated, the Pennsylvania Telephone Association (PTA) and the Telecommunications Resellers Association. Reply comments were thereafter filed on or about June 24, 1999, by Verizon-PA, AT&T, Sprint, PTA and the Office of Trial Staff. These comments are discussed in the Comments and Responses Document.

### C. Proceeding to Consider Global Resolution of Telecommunications Issues

At the Public Meeting following our decision in this proceeding to issue an Advance Notice of Proposed Rulemaking, we agreed to consolidate two competing petitions that attempted to resolve various significant and complicated telecommunications proceedings then pending before us.<sup>9</sup> Among the issues raised in that consolidated proceeding that are relevant to the instant rulemaking proceeding are the following: 1) what network elements Verizon-PA must unbundle and provide to competitors; 2) how intraLATA toll imputation should be calculated for Verizon-PA; and 3) what standards of conduct should be included in a Code of Conduct to prevent unfair competition and to ensure nondiscriminatory access to Verizon-PA's services and facilities by competitors.

We resolved the consolidated proceeding, including the previous three issues, by motion adopted at the August 26, 1999, Public Meeting, which motion was subsequently incorporated into an order entered September 30, 1999 (Global Order) at P-00991648 and P-00991649. In addition to addressing these, and other significant, telecommunications issues, the Global Order also ordered Verizon-PA to structurally separate its retail and wholesale operations in this Commonwealth and directed the opening of a separate proceeding to implement structural separation.<sup>10</sup>

### D. First Proposed Rulemaking Order and April 11, 2001 Order in Structural Separation Proceeding

Following the issuance of the Global Order, the Commission entered a Proposed Rulemaking Order in the instant proceeding on November 30, 1999. This proposed rulemaking contained a set of regulations in the form of a generic "Code of Conduct" that would be applicable to all ILECs to prevent unfair competition and cross-subsidization in any local exchange market within this Commonwealth. The proposed regulations were modeled after a similar "Code of Conduct" adopted for Verizon-PA in the Global Order, and were supplemental to the competitive safeguards embodied in the structural separation of Verizon-PA's retail and wholesale operations directed in the Global Order.

<sup>8</sup> After the issuance of the Global Order, BA-PA changed its name to Verizon Pennsylvania Inc. when its parent company, Bell Atlantic Corporation, acquired GTE Corporation last year and formed Verizon Corporation (Verizon). For the sake of consistency, we shall use Verizon-PA throughout the remainder of this Order to refer to BA-PA and its successor company, Verizon Pennsylvania Inc.

<sup>9</sup> *Joint Petition of Nextlink Pennsylvania, Inc., et al. for Adoption of Partial Settlement Resolving Pending Telecommunications Issues*, Dkt. No. P-00991648; and *Joint Petition of Bell Atlantic-Pennsylvania, Inc., et al. for Global Resolution of Telecommunications Proceedings*, Dkt. No. P-00991649 (Order entered April 2, 1999, consolidating the two proceedings).

<sup>10</sup> On October 25, 2000, the Pennsylvania Commonwealth Court, in a unanimous en banc decision, upheld the Commission's Global Order.

Subsequently, the Commission twice extended the date for filing comments to the proposed rulemaking because of the uncertainty surrounding the pending appeals relating to the Global Order and the relevance their resolution may bear on the proposed rulemaking. Following the Commonwealth Court's decision affirming the Global Order, the Commission directed by Secretarial Letter dated January 3, 2001, that comments be filed by February 23, 2001. Comments were thereafter filed by Verizon-PA and Verizon North Inc., AT&T, the PTA, Sprint, OCA and several other interested parties, including several legislative members, on or about February 23, 2001. These comments are discussed in the Comments and Responses Document.

In summary, most of the commenting parties agreed there should be a Code of Conduct, but there were many disagreements on what provisions should be included in the rulemaking. Several of the parties, Sprint, PTA and ALLTEL Pennsylvania, Inc., argued that functional separation should not be imposed on ILECs with less than one million access lines without due process rights being accorded to the ILEC. Others, such as AT&T and Verizon-PA, suggested modifications or additions to the proposed rulemaking. Finally, the Association for Local Telecommunications Services, Covad Communications Company, ACSI Local Switched Services, Inc. d/b/a e.spire and Rhythms Links Inc. (collectively ACER) submitted a set of comprehensive Code of Conduct provisions with its comments. These provisions attempt to more fully address the discriminatory and competitive concerns that are the focus of our rulemaking in this proceeding.

By letter dated March 22, 2001, to the Chairperson of the Independent Regulatory Review Commission, however, the Commission thereafter withdrew the proposed rulemaking by operation of the sine die rule contained in 71 P.S. § 745.5. Moreover, on this same date at Public Meeting, the Commission approved a motion in its separate structural separation proceeding at M-00001353, offering Verizon-PA a functional, rather than a structural, separation of its retail and wholesale operations and a structural separation of its advanced data services. In return for this change, Verizon-PA had to agree to several market-opening conditions and to termination of all litigation challenging the Global Order. One of these conditions was that the instant rulemaking proceeding would be reopened for the purpose of issuing a Second Proposed Rulemaking Order addressing the appropriate generic Code of Conduct to be promulgated under section 3005(b) and (g)(2) of the code. Verizon-PA also had to agree that it would comply with this Code of Conduct.

On April 11, 2001, the Commission entered an order in the structural separation proceeding incorporating the terms of this March 22, 2001, motion.<sup>11</sup> Specifically, the order directed that the record in the instant competitive safeguards rulemaking proceeding was to be reopened and that the record from the underlying structural separation proceeding was to be incorporated into the instant proceeding to aid in the development of a new proposed rulemaking. In addition, the order directed the Law Bureau to review the Code of Conduct provisions proposed by ACER in the structural separation proceeding (which were the same as ACER proposed in its February comments in the instant proceeding) as to their appropriateness for inclusion in the proposed rulemaking.<sup>12</sup> On April 20, 2001, Verizon-PA notified the Commission that

<sup>11</sup> *Re: Structural Separation of Bell Atlantic-Pennsylvania, Inc. Retail and Wholesale Operations*, Dkt. No. M-00001353 (Order entered April 11, 2001) (Functional/Structural Separation Order).

<sup>12</sup> Functional/Structural Separation Order at ordering paragraph nos. 4-6.

it was accepting the conditions offered in the April 11, 2001, Order in exchange for the Commission removing its earlier structural separation directive contained in the Global Order.<sup>13</sup>

## E. Discussion

These proposed regulations require ILECs with more than 1 million access lines to maintain a functionally separate wholesale organization for providing certain services to CLECs and impose a general code of conduct, applicable to all ILECs, to prevent unfair competition and ensure nondiscriminatory access to an ILEC's services and facilities by competitors as mandated by Chapter 30. These proposed regulations reflect our consideration of all of the comments filed to date in this proceeding. They also reflect our consideration of the record developed in the structural separation proceeding at Docket No. M-00001353. We appreciate and thank all the commenting parties who provided worthwhile suggestions to aid the Commission in the development of its proposed regulations.

### 1. Functional Separation of Retail and Wholesale Operations

Consistent with the Functional/Structural Separation Order entered April 11, 2001, at Docket No. M-00001353, this proposed rulemaking provides for the State's largest ILECs (those with one million or more access lines<sup>14</sup>) to maintain a functionally separate wholesale organization to provide preordering, ordering and the processing and transmission of instructions to field forces for the provisioning of services, network elements or facilities to CLECs necessary to provide competitive and noncompetitive telecommunications services to consumers. We find that the recommended approach will enable the Commission to monitor and prevent discriminatory conduct through the use of accounting rules and other business record keeping. Moreover, in adopting this more limited functional separation approach, the Commission believes that the imposition of "full" functional separation, which involves the reorganization and separation of all employees and facilities of the affected ILEC along wholesale/retail lines, is unnecessary. There are several reasons why we conclude that full functional separation is unnecessary.

First, and most importantly, full functional separation is an intrusive remedy designed to fix a problem that has not been shown to exist. Less than 6 months ago, the Commission concluded in Verizon-PA's section 271 proceeding under TA-96 that Verizon-PA's local telecommunications market had been irreversibly opened to competition.<sup>15</sup> Specifically, the Commission concluded that Verizon-PA was providing wholesale services to CLECs in

a nondiscriminatory fashion. The Federal Communications Commission agreed and granted Verizon-PA's application to provide long-distance service under section 271 of TA-96.<sup>16</sup> This action followed a third-party test of Verizon-PA's operations support systems (OSS) by our third-party consultant, KPMG Consulting, which concluded that Verizon-PA had remedied any major problems with the OSS.

Secondly, as part of the section 271 approval process, Verizon-PA agreed to withdraw court appeals from the Commission's earlier adoption of a performance assurance plan (PAP).<sup>17</sup> The PAP contains detailed standards for Verizon-PA's wholesale services to CLECs, and also contains self-executing penalties for Verizon-PA's failure to meet these standards. Verizon-PA could pay roughly up to \$183 million per year for failure to meet the performance standards in the PAP.<sup>18</sup> These standards and penalties are in addition to the Commission's normal enforcement processes and penalties. Finally, full functional separation is likely to result in significant additional costs and duplication of resources, while the benefits to competition are speculative.

The proposed regulation sets forth the required business record keeping rules necessary to implement this form of functional separation. The proposed regulation will also permit the sharing of common resources, so long as the costs thereof are properly allocated between the ILEC's wholesale operating unit and the ILEC's other relevant operations. The Commission does not anticipate that the imposition of a functionally separate wholesale organization will require any significant changes to the manner in which the ILEC must conduct its business, other than to maintain separate business records that account for tariffed and nontariffed transactions between the wholesale operating unit and the rest of the ILEC's operations. The ILEC was and will continue to be under an obligation to provide nondiscriminatory wholesale services to CLECs when measured against the wholesale services it provides to its own retail operations.

Finally, we find it unnecessary to include any language in the proposed rulemaking relating to the Commission's ability to order further safeguards not expressly delineated herein to protect against unfair competition and to ensure nondiscriminatory access to the ILEC's services and facilities. The Commission clearly has the ability and authority to adopt new safeguards as the need arises. For example, if functional separation, as proposed herein, does not create the level playing field that is the focus of Chapter 30's competitive provisions, then the Commission has the authority to require the ILEC to provide the affected competitive service through a separate corporate affiliate. See section 3005(h) of the code.

### 2. Unbundling of Basic Service Functions

Chapter 30 is clear on its face that ILECs must:

... unbundle each basic service function on which the competitive service depends and shall make the basic service functions separately available to any customer under nondiscriminatory tariffed terms and conditions, including price, that are identical to those

<sup>13</sup> The Commission subsequently issued a clarification order of its Functional/Structural Separation Order. *Re: Structural Separation of Bell Atlantic-Pennsylvania, Inc. Retail and Wholesale Operations*, Dkt. No. M-00001353 (Order entered May 24, 2001 (FSS Clarification Order)).

<sup>14</sup> In determining whether an ILEC has met the one million access-line threshold, the proposed rulemaking has defined "ILEC" as broadly as possible to include any of the company's "affiliates, subsidiaries, divisions, or other corporate sub-units that provide local exchange service." Thus, for example, if an ILEC merges or acquires another ILEC and creates a separate subsidiary to house the acquired company's local exchange business, the access lines acquired by the ILEC would be counted with its pre-existing access lines to determine if the one million access-line threshold has been met. In addition, if the threshold is met, then the competitive safeguard regulation in question would apply to all affiliates or subsidiaries created by the transaction, even if the particular affiliate or subsidiary has less than one million access lines. Applying this definition of ILEC to Bell Atlantic's recent acquisition of GTE Corporation, for instance, results in the competitive safeguard regulation applicable only to ILECs with more than one million access lines being applicable to both Verizon-PA (the old BA-Pennsylvania) and Verizon North Inc. (the old GTE North). Both entities are subsidiaries of Verizon.

<sup>15</sup> *Re: Application of Verizon Pennsylvania, Inc., et al. for Authorization Under Section 271 of the Communications Act to Provide In-Region, InterLATA Service in the Commonwealth of Pennsylvania*, CC Docket No. 01-138 (Consultative Report of the Pennsylvania Public Utility Commission, filed June 25, 2001).

<sup>16</sup> *Re: Application of Verizon Pennsylvania, Inc., et al. for Authorization Under Section 271 of the Communications Act to Provide In-Region, InterLATA Service in the Commonwealth of Pennsylvania*, CC Docket No. 01-138 (Memorandum Opinion and Order, rel. Sept. 19, 2001).

<sup>17</sup> Letter dated June 7, 2001, from Julia Conover, Vice President and General Counsel, Verizon Pennsylvania Inc., to James J. McNulty, Secretary, Pennsylvania Public Utility Commission.

<sup>18</sup> *Re: Performance Measures Remedies*, Docket No. M-00011468, at 32 (Recommended Decision, entered Sept. 28, 2001).

used by the local exchange telecommunications company and its affiliates in providing the competitive service.

See section 3005(e)(1) of the code. Under section 3002 of the code (66 Pa.C.S. § 3002), "basic service functions" are defined as those basic components of the LEC's network that are "necessary to provide a telecommunications service and which represent the smallest feasible level of unbundling capable of being tariffed and offered as a service." Thus, whenever a LEC obtains competitive classification of any of its local services under Chapter 30, the LEC must unbundle the "basic service functions" used to provide that local service.

As the statutory language is clear on this point, there is no further need to create a regulation mandating this result. Verizon-PA's attempt, therefore, to impose the same "necessary and impair" standard that is imposed by TA-96 for unbundling network elements must be rejected in applying Chapter 30's own unbundling requirement. This conclusion is also consistent with this Commission's prior pronouncements on this issue. Global Order at 67-68; Competitive Safeguards Order at 158.

### 3. Imputation for IntraLATA Toll Services

Similarly, we are satisfied that no additional rulemaking is required at this time on the issue of imputation. In the recent Global Order, we held, with respect to service level imputation, that Verizon-PA's total toll revenues must exceed total imputed switched access and carrier charges on an aggregated toll services level. Consolidated Global Order at 240-42. The Global Order, which closed the docket at M-00960799, as well as our earlier TA-96 Implementation Order, however, did not address the question of imputation for the delivery of intraLATA services by ILECs other than Verizon-PA.

In addressing this issue now, we agree with the PTA that there is no evidence that interexchange carriers (IXCs) are unable to compete today with the ILECs in the intraLATA toll market. Further, we take administrative notice of the fact that the toll market is subject to increasingly intense price competition as many IXCs are setting their rates on a National level using flat rates that have no relationship with the access rates of any specific ILEC.<sup>19</sup> Finally, we know of no evidence to refute AT&T's own witness that predatory pricing is extremely unlikely to occur;<sup>20</sup> and, even if predatory pricing does occur, the Federal antitrust laws are already available to address this type of conduct. Frankly, we are wary of taking any regulatory action that may discourage the aggressive pricing of toll services by any and all competitors, including ILECs, in that market. We also note that we can always revisit this issue at a later date if there is evidence that ILECs are engaging in predatory pricing in intraLATA toll markets in this Commonwealth.

### 4. Unfair Competition and Cross Subsidization Issues

We are proposing today a set of regulations in the form of a generic "Code of Conduct" in § 63.144 that will be applicable to all LECs to prevent unfair competition and cross-subsidization in any local exchange market within this Commonwealth.<sup>21</sup> We believe these proposed regula-

tions, in providing a comprehensive set of competitive safeguard rules under section 3005(b) of the code, are necessary to prevent unfair competition, discrimination, cross subsidies and other market power abuses by LECs in their local exchange markets, and are, therefore, in the public interest.

We note that parts of the proposed regulations are modeled after similar provisions contained in the "Code of Conduct" adopted for Verizon-PA in the Global Order and other provisions are modeled after the ACER Code of Conduct offered in the structural separation proceeding. In addition, as with the competitive safeguard regulations adopted for this Commonwealth's electric industry,<sup>22</sup> the instant regulations are directed not only at ILECs as the entities with market power, but at CLECs as well in specific circumstances to prevent unfair methods of competition.

In this regard, we cannot fully accept Verizon-PA's position that any regulation should be equally imposed on all LECs and not just incumbents under the doctrine of regulatory parity. The Commission also recognizes that at least some CLECs have name recognition and sizable financial resources. However, without market power, CLECs cannot curb the entry of new providers by their control of bottleneck facilities, set prices above competitive levels, or engage in unlawful predatory pricing to eliminate competition.

We recently took this same approach in adopting streamlined tariff filing regulations for the telecommunications industry, noting that "regulatory parity" with respect to rate regulation between ILECs and CLECs is not appropriate until the playing field for specific services or business activities becomes more competitive/level." *Rulemaking Re Updating and Revising Existing Filing Requirement Regulations 52 Pa. Code §§ 53.52—53.53—Telecommunication Utilities*, Dkt. No. L-00940095, at 13 n.7 (Proposed Rulemaking Order entered September 30, 1999) (Streamlined Tariff Filing Proceeding).<sup>23</sup> The transition to competition in the local exchange markets requires the development of sufficient competitive safeguards to ensure that new entrants will have a fair and equal opportunity to compete for customers that previously belonged solely to the incumbent provider. However, in those instances where the proposed standard of conduct does not rely on the LEC having market power to be effective, the standard is drafted so that it is equally applicable to ILECs and CLECs.

In developing our proposed competitive safeguard regulations, we have not prescribed rules that will restrict joint marketing activities because we are not convinced that a restriction is necessary to foster competition in the local exchange markets. Additionally, we reject Verizon-PA's request that informational tariffs for competitive services should be eliminated, as this issue was part of our rulemaking proceeding relating to streamlining tariff filing requirements.<sup>24</sup> We also reject AT&T's request that the Commission expand the type of information required in a notice an ILEC uses to request "competitive" status classification under section 3005(a) of the code as both unnecessary and contrary to the plain language requirements mandated in customer notices.

Competitive Safeguards Order, through these regulations, but instead the proposed rulemaking is intended to build upon that foundation.

<sup>22</sup> 52 Pa. Code §§ 54.121—54.122. We also note that the proposed regulations herein are modeled in part from Code of Conduct provisions adopted for the electric industry.

<sup>23</sup> This rulemaking was finalized by order entered June 2, 2000, at the same docket.

<sup>24</sup> In the final regulations adopted in the Streamlined Tariff Filing Proceeding, CLECs and ILECs offering competitive services must continue to file informational tariffs and price lists. 52 Pa. Code § 53.58(d). We should note that in the Streamlined Tariff Filing Proceeding, Verizon-PA supported the proposed regulations, including the provision relating to the filing of informational tariffs for competitive services.

<sup>19</sup> Sprint, for example, has implemented a "Sprint Simple Seven" plan that offers intrastate, intraLATA long distance to residential and business customers at a flat rate of 7 cents per minute and the payment of a monthly service charge. The other national IXCs, AT&T and MCI, have similar long distance plans in effect.

<sup>20</sup> A survey of recent court cases that involved predatory pricing claims, for example, found that the defendant prevailed in every case because the plaintiff was unable to prove one or more elements necessary to make out a successful claim.

<sup>21</sup> In issuing these proposed regulations, the Commission recognizes that it has adjudicated many of the same issues herein in other proceedings. The Commission does not intend to disturb those earlier rulings, such as its findings and holding in the

Finally, we agree with Verizon-PA and Verizon North Inc. on two specific issues raised in the companies' February 2001 comments. First, we agree that a total prohibition of certain advertising claims, such as claims of superiority, may violate the First Amendment. The United States Supreme Court has held that states may not place an absolute bar on certain types of potentially misleading information if it may be presented in a way that is not deceptive. *Bates v. State Bar of Arizona*, 433 U.S. 350 (1977); see also *In re RMJ*, 455 U.S. 191 (1982). The Court stated the preferred remedy is not a complete prohibition but a requirement of disclaimers or explanation to assure that the consumer is not misled. *Bates*, 433 U.S. at 384. We have, therefore, added the phrase, "unless the statement can be factually substantiated" to the advertising restrictions contained in § 63.144(3)(ii) and (iii) of the proposed Code of Conduct.<sup>25</sup>

The second issue relates to whether the proposed Code of Conduct, when it becomes final, should supersede and replace any other Codes of Conduct, such as the Code of Conduct adopted in the Global Order for Verizon-PA, in effect for any LEC in this Commonwealth. We agree that having two or more Codes of Conduct in existence may be confusing and make compliance and enforcement more difficult. The proposed Code of Conduct that is contained in § 63.144, therefore, should supersede and replace any existing Codes of Conduct when it becomes final.

As this is a proposed rulemaking, we invite all interested parties to comment on whether they believe that these proposed competitive safeguard regulations go far enough to protect competition. In the absence of proof that the quality of Verizon-PA's (as the State's only ILEC with more than one million access lines) wholesale services has deteriorated; however, we believe the focus of the comments should be on the Code of Conduct provisions rather than the form of functional separation this Commission should impose on the state's largest ILECs.

Accordingly, under 66 Pa.C.S. §§ 501, 1501 and 3005(b) and (g)(2); sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2 and 7.5; section 204(b) of the Commonwealth Attorneys Act (71 P. S. § 732.204(b)); section 5 of the Regulatory Review Act (71 P. S. § 745.5); and section 612 of The Administrative Code of 1929 (71 P. S. § 232) and the regulations promulgated thereunder in 4 Pa. Code §§ 7.251—7.235, we are considering adopting the proposed regulations set forth in Annex A; *Therefore*,

*It is Ordered That:*

1. The proposed rulemaking at L-00990141 will consider the regulations set forth in Annex A.

2. The Secretary shall submit this Order and Annex A to the Office of Attorney General for review as to form and legality and to the Governor's Budget Office for review of fiscal impact.

3. The Secretary shall submit this Order and Annex A for review and comment to the Independent Regulatory Review Commission and the Legislative Standing Committees.

4. The Secretary shall certify this Order and Annex A, and deposit them with the Legislative Reference Bureau

to be published in the *Pennsylvania Bulletin*. The Secretary shall specify publication of the Order in accordance with 45 Pa.C.S. § 727.

5. An original and 15 copies of any comments referencing the docket number of the proposed regulations be submitted within 30 days of publication in the *Pennsylvania Bulletin* to the Pennsylvania Public Utility Commission, Attn.: Secretary, P. O. Box 3265, Harrisburg, PA 17105-3265. Reply comments will be due 15 days from the last date of the 30-day comment period.

6. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Sherri DelBiondo, Regulatory Coordinator, Law Bureau 717-772-4579.

7. A copy of this Order and Annex A shall be served upon the Pennsylvania Telephone Association, the Telecommunications Resellers Association, all jurisdictional telecommunication utilities, the Office of Trial Staff, the Office of Consumer Advocate and the Small Business Advocate.

JAMES J. MCNULTY,  
Secretary

**Fiscal Note:** 57-224. No fiscal impact; (8) recommends adoption.

## Annex A

### TITLE 52. PUBLIC UTILITIES

#### PART I. PUBLIC UTILITY COMMISSION

##### Subpart C. FIXED SERVICE UTILITIES

#### CHAPTER 63. TELEPHONE SERVICE

##### Subchapter K. COMPETITIVE SAFEGUARDS

Sec.	
63.141.	Statement of purpose and policy.
63.142.	Definitions.
63.143.	Accounting and audit procedures for large ILECs.
63.144.	Code of conduct.
63.145.	Remedies.

#### § 63.141. Statement of purpose and policy.

(a) This subchapter establishes competitive safeguards to:

(1) Assure the provision of adequate and nondiscriminatory access by ILECs to competitive LECs for all services and facilities ILECs are obligated to provide LECs under any applicable Federal or State law.

(2) Prevent the unlawful cross subsidization or support for competitive services from noncompetitive services by ILECs.

(3) Prevent LECs from engaging in unfair competition.

(b) These competitive safeguards are intended to promote the Commonwealth's policy of establishing and maintaining an effective and vibrant competitive market for all telecommunications services.

(c) The code of conduct contained in § 63.144 (relating to code of conduct) supersedes and replaces any other codes of conduct applicable to any LEC.

#### § 63.142. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

*CLEC*—Competitive local exchange carrier—

(i) A telecommunications company that has been certificated by the Commission as a CLEC under the Commission's procedures implementing the Telecommuni-

<sup>25</sup> Proposed advertising bans on superiority claims by professional licensing boards have attracted the attention of the Federal Trade Commission and the Office of Attorney General in the past. Both agencies have routinely opposed complete bans on superiority claims on First Amendment grounds. In 1985, the Office of Attorney General advocated the use of disclaimers or other qualifying language that protects truthful advertising claims of superiority to the State Dental Council and Examining Board, which board adopted this recommendation at 49 Pa. Code § 33.203(a)(3).

cations Act of 1996, the act of February 8, 1996 (Pub. L. No. 104-104, 110 Stat. 56) or under the relevant provisions in 66 Pa.C.S. § 3009(a) (relating to additional powers and duties) and its successors and assigns.

(ii) The term includes any of the CLEC's affiliates, subsidiaries, divisions or other corporate subunits that provide local exchange service.

*Competitive service*—A service or business activity offered by an incumbent or CLEC that has been classified as competitive by the Commission under the relevant provisions of 66 Pa.C.S. § 3005 (relating to competitive services).

*ILEC—Incumbent local exchange carrier*—

(i) A telecommunications company deemed to be an ILEC under section 101(h) of the Telecommunications Act of 1996 (47 U.S.C.A. § 251(h)), and its successors and assigns.

(ii) The term includes any of the ILEC's affiliates, subsidiaries, divisions or other corporate subunits that provide local exchange service.

*LEC—Local exchange carrier*—A local telephone company that provides telecommunications service within a specified service area. LECs encompass both ILECs and CLECs.

*Market price*—Prices set at market-determined rates.

*Noncompetitive service*—Any protected telephone service as defined in 66 Pa.C.S. § 3002 (relating to definitions), or a service that has been determined by the Commission as not a competitive service.

*Subscription activities*—The activities conducted by an ILEC to formalize the acquisition of a customer or to maintain the provision of a customer's telecommunications services. The activities include all conduct relating to the provision of information to prospective customers regarding the ILEC's services and the enrollment of individuals or businesses as customers.

*Telecommunications service*—A utility service, involving the transmission of signaling, data and messages, which is subject to the Commission's jurisdiction.

### **§ 63.143. Accounting and audit procedures for large ILECs.**

Any ILEC with more than 1 million access lines shall maintain a functionally separate wholesale organization (the "wholesale operating unit") and shall be subject to the following requirements:

(1) The wholesale operating unit of the ILEC shall consist of employees and other resources necessary to perform the following wholesale functions: preordering, ordering and the processing and transmission of instructions to field forces for the provisioning of services, network elements (as defined under section 3(19) of the Communications Act of 1934 (47 U.S.C.A. § 153(29)), or facilities to CLECs necessary to provide competitive or noncompetitive services to consumers.

(2) The wholesale operating unit of the ILEC shall have its own direct line of management and shall keep separate accounting and business records which shall be subject to review by the Commission in accordance with 66 Pa.C.S. § 506 (relating to inspection of facilities and records). The ILEC shall keep its separate accounting and business records, and other books, memoranda and documents that support the entries in the separate records so as to be able to furnish readily full information as to any item included in any of those records.

(3) The wholesale operating unit of the ILEC may not engage in any marketing, sales, advertising or subscription activities directed at retail customers.

(4) Employees or agents of the ILEC's wholesale operating unit may not be shared with any of the ILEC's other operations. The costs associated with any shared resources shall be fully allocated and accounted for between the ILEC's wholesale operating unit and its other relevant operations based on the proportionate use of those facilities. The costs of any other employees, assets and other resources associated with performing the wholesale functions described in paragraph (1) shall be allocated using appropriate allocation factors.

(5) Any employee of the ILEC wholesale operating unit may transfer to the ILEC's other operations, provided the transfer is not used as a means to circumvent this subchapter. An employee of the ILEC wholesale operating unit may not provide information to the ILEC's retail operations that it would otherwise be precluded from having under this subchapter.

(6) An employee or agent of the ILEC wholesale operating unit may not promote any retail service of the ILEC or any other LEC's retail services. The referrals made by employees or agents of the ILEC's wholesale operating unit shall identify all available providers of service on an equal and nondiscriminatory basis.

(7) The ILEC shall maintain contemporaneous records documenting all tariffed and nontariffed transactions between its wholesale operating unit and its other operations. The records shall be available for public inspection during normal business hours.

(8) An independent compliance review may be conducted every calendar year to ascertain and verify the ILEC's compliance with this subchapter as directed by the Commission on an as-needed basis.

(i) The ILEC will retain, subject to Commission approval, an independent consultant to conduct this compliance review.

(ii) The ILEC shall select the independent consultant through a competitive bid process.

(iii) To help ensure the objectivity of the results, Commission staff will monitor the ILEC's consultant selection process, the scope of the compliance review, the progress of the consultant's work, and the report preparation process.

(iv) An original and ten copies of the final report as well as an electronic version will be submitted to the Commission by March 31, following the calendar year covered in the report.

(v) The consultant's final report, to include recommendations for change when necessary, will be made available for public inspection during normal business hours.

(9) Nothing in this section prohibits the ILEC from providing any competitive service through a separate corporate division or affiliate; however, the competitive safeguards imposed by this subchapter will continue to be fully applicable to the ILEC and its division or affiliate.

### **§ 63.144. Code of conduct.**

All LECs, unless otherwise noted, shall comply with the following requirements:

(1) *Nondiscrimination.*

(i) An ILEC may not give itself, including any local exchange affiliate, division or other corporate subunit, or any CLEC any preference or advantage over any other

CLEC in the preordering, ordering, provisioning, or repair and maintenance of any goods, services, network elements (as defined under section 3(29) of the Communications Act of 1934 (47 U.S.C.A. § 153(29)), or facilities unless expressly permitted by State or Federal law.

(ii) An ILEC may not condition the sale, lease or use of any noncompetitive service on the purchase, lease or use of any other goods or services offered by the ILEC or on a direct or indirect commitment not to deal with any CLEC. Nothing in this paragraph prohibits an ILEC from bundling noncompetitive services with other noncompetitive services or with competitive services so long as the ILEC continues to offer any noncompetitive service contained in the bundle on an individual basis.

(2) *Employee conduct.*

(i) An ILEC employee while engaged in the installation of equipment or the rendering of services to any end-user on behalf of a competitor may not disparage the service of the competitor or promote any service of the ILEC to the end-user.

(ii) An ILEC employee while processing an order for the repair or restoration of service or engaged in the actual repair or restoration of service on behalf of a competitor may not either directly or indirectly represent to any end-user that the repair or restoration of service would have occurred sooner if the end-user had obtained service from the ILEC.

(3) *Corporate advertising and marketing.*

(i) An ILEC may not engage in false or deceptive advertising with respect to the offering of any telecommunications service in this Commonwealth.

(ii) An ILEC may not state or imply that the services provided by the ILEC are inherently superior when purchased from the ILEC unless the statement can be factually substantiated.

(iii) An ILEC may not state or imply that the services rendered by a competitor may not be reliably rendered or is otherwise of a substandard nature unless the statement can be factually substantiated.

(iv) An ILEC may not state or imply that the continuation of any service from the ILEC is contingent upon taking other services offered by the ILEC.

(4) *Cross subsidization.*

(i) An ILEC may not use revenues earned or expenses incurred in conjunction with noncompetitive services to subsidize or support any competitive services. An ILEC may not provide any assets, goods or services to its competitive local exchange affiliate, division or other corporate subunit at a price below the ILEC's cost, market price or tariffed rate for the goods or services, whichever is higher. An ILEC may not purchase any assets, goods or services from its competitive affiliate,

division or other corporate subunit at a price above the market price or tariffed rate for the goods or services.

(5) *Information sharing and disclosure.*

(i) An ILEC's employees, including its wholesale employees, shall use CLEC proprietary information (that is not otherwise available to the ILEC) received in the preordering, ordering, provisioning, billing, maintenance or repairing of any telecommunications services provided to the CLEC solely for the purpose of providing the services to the CLEC. ILEC employees may not disclose the CLEC proprietary information to other employees engaged in the marketing or sales of retail telecommunications services unless the CLEC provides prior written consent to the disclosure. This provision does not restrict the use of aggregated CLEC data in a manner that does not disclose proprietary information of any particular CLEC.

(ii) Subject to customer privacy or confidentiality constraints, an ILEC employee may not disclose, directly or indirectly, any customer proprietary information to the ILEC's affiliated or nonaffiliated entities unless authorized by the customer under § 63.135 (relating to customer information).

(6) *Adoption and dissemination.* Every ILEC shall formally adopt and implement the applicable code of conduct provisions as company policy or modify its existing company policy as needed to be consistent with the applicable code of conduct provisions. Every ILEC shall also disseminate the applicable code of conduct provisions to its employees and take appropriate steps to train and instruct its employees in their content and application.

**§ 63.145. Remedies.**

(a) A violation of this subchapter allegedly harming a party may be adjudicated using the Commission's *Interim Guidelines for Abbreviated Dispute Resolution Process*, at Docket Nos. P-00991648 and P-00991649, which were published at 30 Pa.B. 3808 (July 28, 2000), or any successor Commission alternative dispute resolution process, to resolve the dispute. This action, however, does not preclude or limit additional available remedies or civil action, including the filing of a complaint concerning the dispute or alleged violations with the Commission under relevant provisions of 66 Pa.C.S. (relating to the Public Utility Code).

(b) The Commission may also, when appropriate, impose penalties under 66 Pa.C.S. § 3301 (relating to civil penalties for violations) or refer violations of the code of conduct provisions in this subchapter to the Pennsylvania Office of Attorney General, the Federal Communications Commission or the United States Department of Justice.

[Pa.B. Doc. No. 02-621. Filed for public inspection April 19, 2002, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending April 9, 2002.

### BANKING INSTITUTIONS

#### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
4-8-02	Northwest Bancorp, Inc., Warren, to acquire 100% of the common stock of Prestige Bancorp, Inc., Pittsburgh	Warren	Filed

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-8-02	Northwest Savings Bank, Warren, and Prestige Bank, a Federal savings bank, Pittsburgh Surviving Institution—Northwest Savings Bank, Warren	Warren	Filed

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-1-02	Reliance Savings Bank Altoona Blair County	904 Blair Street Hollidaysburg Blair County	Opened
4-3-02	Farmers First Bank Lititz Lancaster County	890 E. Main St. Ephrata Lancaster County	Opened
4-3-02	Orrstown Bank Orrstown Franklin County	2250 Spring Road Carlisle N. Middleton Twp. Cumberland County	Approved

#### Branch Relocations/Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-3-02	Citizens Bank of Southern Pennsylvania Greencastle Franklin County	<i>Into:</i> 10-12 W. Main St. Waynesboro Franklin County  <i>From:</i> 241 W. Eight St. Waynesboro Franklin County	Approved
4-3-02	Three Rivers Bank and Trust Company Jefferson Borough Allegheny County	<i>To:</i> 500 Braddock Avenue Braddock Allegheny County  <i>From:</i> 823 Braddock Avenue Braddock Allegheny County	Filed

#### Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-15-02	First Commonwealth Bank Indiana Indiana County	110 Rolling Ridge Drive State College Centre County	Effective

**Articles of Amendment**

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
4-3-02	Delaware Management Trust Company Philadelphia Philadelphia County	Amendment to Article II provides for a change in the principal place of business from 1818 Market Street, 16th Floor, Philadelphia, PA 19103, to 2005 Market Street, 5th Floor, Philadelphia, PA 19103.	Approved and Effective

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Articles of Amendment**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
4-3-02	PP&L G.O.L.D. Credit Union Allentown Lehigh County	Amendment to Article 1 provides for a change in name to PPL G.O.L.D. Credit Union (eliminates ampersand).	Approved and Effective
4-9-02	Boeing Helicopters Credit Union Ridley Park Delaware County	Amendment to Article 8 provides for a change in the field of membership.	Approved and Effective

JAMES B. KAUFFMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-622. Filed for public inspection April 19, 2002, 9:00 a.m.]

### Maximum Lawful Rate of Interest for Residential Mortgages for the Month of May 2002

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of May 2002, is 8 1/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub.L. No. 96-221). Further preemption was instituted with the signing of Pub.L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as a principal residence.

Each month the Department is required by the Commonwealth law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 5.73 to which was added 2.50 percentage points for a total of 8.23 that by law is rounded off to the nearest quarter at 8 1/4%.

JAMES B. KAUFFMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-623. Filed for public inspection April 19, 2002, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Application of Cedar Crest College for Approval of Amendment of Its Articles of Incorporation

#### Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6504(a) (relating to fundamental changes), the Department of Education (Department) will consider the application of Cedar Crest College for a Certificate of Authority approving the amendment to its Articles of Incorporation.

In accordance with 24 Pa.C.S. § 6503(e) (relating to certificate of institutions), the Department will act upon the application without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Paula Fleck, Chief, Division of Program Services, (717) 772-3623 or Carol Gisselquist, Higher Education Specialist, (717) 787-4448, 333 Market Street, Harrisburg, PA 17126-0333 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.



Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate, should contact Paula Fleck at (717) 772-3623 or Carol Gisselquist at (717)

787-4448 to discuss how the Department may best accommodate their needs.

CHARLES B. ZOGBY,  
Secretary

[Pa.B. Doc. No. 02-624. Filed for public inspection April 19, 2002, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

### NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS

### NPDES APPLICATIONS

### PART I PERMITS

Under the Federal Clean Water Act and The Clean Streams Law, the following parties have applied for an NPDES permit or to renew their current permit to discharge controlled wastewaters into the waters of this Commonwealth or to conduct other activities required by the NPDES permit. For renewal applications listed in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements. For all new permit applications, renewal application with major changes or applications for permits not waived by the EPA, the Department, based upon preliminary reviews, also made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications listed in Section II. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the EPA Region III Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.24(d).

Persons wishing to comment on the proposed permit are invited to submit a statement, to the office noted before the application within 30 days from the date of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. The comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant. Following the comment period, the Department's Water Management Program Manager will make a final determination regarding these applications. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The renewal application, including proposed effluent limitations and special conditions, is available on file. For new permit applications, information submitted with the applications is available on file. The information may be inspected and arrangements made for copying at the office indicated before the application.

Persons with a disability, who require an auxiliary aid, service, including TDD users or other accommodations to seek additional information, should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### I. NPDES Renewal Applications

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0081825	Betty Nelson Mobile Home Park 16 Betty Nelson Court Carlisle, PA 17013	Cumberland County Lower Frankford Township	Conodoquinet Creek/ 7B	Yes
PA0083470	Paradise Township Sewer Authority 196 Blackhorse Road Paradise, PA 17562-9792	Lancaster County Paradise Township	Pequea Creek/ 7K	Yes

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<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0084450	United States Army Fort Detrick—AJCC 1500 Porter St. Environmental Management Office Frederick, MD 21702	Adams County Liberty Township	13D—UNT Miney Branch	Yes
PA0043486	Lancaster County Solid Waste Management Authority 1299 Harrisburg Pike P. O. Box 4425 Lancaster, PA 17603-4425	Lancaster County Manor Township	Mann's Run 7-J	Yes

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0027677 (Industrial Waste)	United States Department of the Interior USGS Appalachian Research Laboratory R. R. 4 Box 63 Wellsboro, PA 16901	Tioga County Shippen Township	Marsh Creek (9A)	Y
PA0028738 (Sewerage Public)	Ralpho Township Municipal Authority 32 A South Market Street Elysburg, PA 17824	Northumberland County Ralpho Township	Shamokin Creek (6B)	Y
PA0112488 (Sewerage Public)	Ralpho Township Municipal Authority 32 A South Market St. Elysburg, PA 17824	Northumberland County Ralpho Township	Unnamed tributary of Millers Run (6B)	Y
PA0115100 (Sewerage Nonpublic)	George A. and Elizabeth J. Dear R. R. 2 Box 174 Tioga, PA 16946	Tioga County Lawrence Township	Mutton Lane Creek (4A)	Y

## II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**PA#0034070**, Sewage, **Glencrest Realty Co.**, 6000 Glencrest Road, Slatington, PA 18080. This proposed facility is located in Washington Borough, **Lehigh County**.

Description of Proposed Activity: The receiving stream, unnamed tributary to Coplay Creek, is in the State Water Plan watershed #2C and is classified for: aquatic life, CWF, water supply and recreation. The nearest downstream public water supply intake for City of Allentown is located on Lehigh River is 15 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.035 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD <sub>5</sub>	10		20
Total Suspended Solids	20		40
NH <sub>3</sub> -N			
(5-1 to 10-31)	3		6
(11-1 to 4-30)	9		18
Phosphorus as "P"			
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric mean 2,000/100 ml as a geometric mean 6.0 to 9.0 standard units at all times.		
(10-1 to 4-30)			
pH			
Total Residual Chlorine (1st Month to 24th Month)		Monitor and Report	
Total Residual Chlorine (24th Month to Expiration)	0.8		
			1.8

**PA-0051675**, Sewage, **Northampton Area School District**, 1617 Laubauch Avenue, Northampton, PA 18067. This proposed facility is located in Moore Township, **Northampton County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge treated sewage from existing treatment plant.

The receiving stream, unnamed tributary to Hockendaqua Creek, is in the State Water Plan watershed #2C and is classified for: aquatic life, CWF, water supply and recreation. The nearest downstream public water supply intake for Northampton Borough Water Authority is located on Lehigh River is 13 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of .00642.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
NH <sub>3</sub> -N			
(5-1 to 10-31)	3		6
(11-1 to 4-30)	9		18
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine			
(1st Month to 24th Month)	Monitor and Report		
(25th Month to Expiration)	1.2		2.8

**PA-0020435**, Sewage, **Little Washington Wastewater Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19101. This proposed facility is located in White Haven Borough, **Luzerne County**.

Description of Proposed Activity: This proposal action is for renewal of a NPDES Permit to discharge treated sewage.

The receiving stream, Lehigh River, is in the State Water Plan watershed #2A and is classified for: HQ and CWF. The nearest downstream public water supply intake for City of Hazleton is located on Lehigh River is 10.4 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.45 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD <sub>5</sub>	20	30	40
Total Suspended Solids	25	40	50
NH <sub>3</sub> -N			
(5-1 to 10-31)	3.5	5.3	7
(11-1 to 4-30)	10.5	15.9	21
Dissolved Oxygen	A minimum of 5.0 mg/l at all times.		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	0.75		1.5

**PA-0062260**, Sewerage, **Brookmont Health Care Center, Inc.**, Brookmont Drive, Effort, PA 18330. This proposed facility is located in Chestnuthill Township, **Monroe County**.

Description of Proposed Activity: This proposed action is for the renewal of an NPDES permit to discharge treated sewage into Pohopoco Creek in Chestnuthill Township, Monroe County.

The receiving stream, the Pohopoco Creek is in the State Water Plan Watershed 02B and is classified for the following uses: CWF, aquatic life, water supply and recreation. The nearest downstream water supply for the Northampton Borough Water Authority is located on the Lehigh River, 40 miles below the point of discharge.

The proposed effluent limits based on a design flow of 0.04 MGD are:

*Outfall 001*

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric mean	
(10-1 to 4-30)	2,000/100 ml as a geometric mean	
Dissolved Oxygen	Minimum of 5.0 at all times	
pH	6.0 to 9.0 standard units at all times	
Total Residual Chlorine		
(1st Month to 24th Month)	Monitor and Report	
(25th Month to Expiration)	1.2	2.8

**PA-0061352**, Sewerage, **Delaware Water Gap Municipal Authority**, P. O. Box 128, Delaware Water Gap, PA, 18337. This proposed facility is located in Delaware Water Gap, **Monroe County**.

Description of Proposed Activity: This proposed action is for the renewal of an NPDES permit to discharge treated sewage into Cherry Creek in Delaware Water Gap, Monroe County.

The receiving stream, Cherry Creek, is in the State Water Plan Watershed 01E and is classified for the following uses: CWF, aquatic life, water supply and recreation. The nearest downstream water supply for the City of Easton Water Supply is located on the Delaware River 20 miles below the point of discharge.

The proposed effluent limits based on a design flow of 0.176 MGD are:

*Outfall 001*

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Fecal Coliform	200/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine (1st Month to 24th Month)	Monitor and Report		
(24th Month to Expiration)	.07		1.4

**PA#0046353-A1**, Sewage, **Waymart Area Authority**, P. O. Box 3300, Waymart, PA 18472. This proposed facility is located in Waymart Borough, **Wayne County**.

The receiving stream, Van Auken Creek, is in the State Water Plan watershed #1B and is classified for: HQ-TSF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for East Stroudsburg/Stroudsburg intake is located on Delaware River is approximately 90 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.715 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	15	20
Total Suspended Solids	15	20	30
NH <sub>3</sub> -N (5-1 to 10-31)	2		4
(11-1 to 4-30)	6		12
Phosphorus as “P”	2		4
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	.6		1.4

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**Application No. PA0246611**, Sewage, **Borough of Strausstown**, P. O. Box 325, Strausstown, PA 19559. This facility is located in Strausstown Borough, **Berks County**.

Description of activity: The application is for issuance of an NPDES permit for a new discharge of treated sewage.

The receiving stream, Jackson Creek, is in Watershed 3-C and classified for CWF, water supply and recreation and fish consumption. The nearest downstream public water supply intake for Western Berks Water Supply is located on the Tulpehocken Creek, approximately 16 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0656 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Suspended Solids	30	45	60
NH <sub>3</sub> -N (5-1 to 10-31)	13	XXX	26
(11-1 to 4-30)	20	XXX	40
Total Phosphorus	1.0	XXX	2.0
Total Residual Chlorine	0.50	XXX	1.60
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		
Fecal Coliform (5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	8,000/100 ml as a geometric average		

Individuals may make an appointment to review the Department files on this case by calling the File Review Coordinator at (717) 705-4732.

The EPA waiver is in effect.

**Application No. PA 0080187**, Industrial Waste SIC 4953, **Dauphin Meadows, Inc. (Dauphin Meadows Landfill)**, Route 209, Millersburg, PA 17061. This facility is located in Washington Township, **Dauphin County**.

Description of activity: The application is for renewal of an NPDES permit for an existing discharge of treated industrial waste.

The receiving stream, Wiconisco Creek, is in Watershed 6-C and classified for WWF, water supply and recreation and fish consumption. The nearest downstream public water supply intake for United Water Company is located on the Susquehanna River, approximately 50 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.05 MGD are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
Flow	0.05				
pH (S.U.)			From 6.0 to 9.0 inclusive		
BOD <sub>5</sub>	15.4	58.3	37	140	175
Total Suspended Solids	11.2	36.7	27	88	110
Total Dissolved Solids			Monitor and Report		
Ammonia Nitrogen	2.0	4.1	4.9	10	12.5
Dissolved Oxygen			5.0 mg/l at all times		
Fecal Coliform			200		
(5-1 to 9-30)			100,000		
(10-1 to 4-30)					
Total Antimony	0.19	0.38	0.45	0.90	1.13
Total Arsenic	0.02	0.04	0.05	0.10	0.13
Total Beryllium	0.002	0.004	0.005	0.010	0.013
Total Cadmium	0.002	0.004	0.005	0.010	0.013
Total Chromium	0.05	0.10	0.125	0.25	0.313
Total Copper	0.02	0.04	0.05	0.10	0.13
Total Lead	0.015	0.030	0.036	0.072	0.090
Total Nickel	0.08	0.16	0.2	0.4	0.5
Total Selenium	0.031	0.062	0.075	0.150	0.187
Total Silver	0.004	0.008	0.010	0.020	0.025
Total Thallium	0.04	0.08	0.10	0.20	0.25
Total Zinc	0.045	0.083	0.11	0.20	0.25
Free Cyanide	0.021	0.041	0.05	0.10	0.125
Total Barium	0.125	0.25	0.30	0.60	0.75
Total Boron	2.5	5.0	6.0	12.0	15.0
Total Cobalt	0.02	0.04	0.05	0.10	0.13
Dissolved Iron	1.16	1.45	2.8	3.5	7.0
Total Manganese	0.42	0.84	1.0	2.0	2.5
Total Aluminum	0.125	0.250	0.3	0.6	0.8
Total Vanadium			Monitor and Report		
Benzene			0.025	0.050	0.062
Chlorobenzene			0.01	0.02	0.025
1,1-Dichloroethane			0.09	0.18	0.23
Chloromethane			0.05	0.10	0.125
Methylene Chloride			0.5	1.0	1.25
Toluene			0.05	0.10	0.13
1,2-Transdichloroethylene			0.03	0.06	0.08
1,1,1-Trichloroethane			0.05	0.10	0.125
Phenol	0.006	0.011	0.015	0.026	0.032
Chloroform			0.010	0.020	0.025
Butyl Benzyl Phthalate			0.010	0.020	0.025
2-Chloronaphthalene			0.010	0.020	0.025
Diethyl Phthalate			0.025	0.050	0.062
Isophorone			0.05	0.10	0.13
Lindane			0.009	0.018	0.022
4,4-DDT			0.000082	0.000164	0.000205
Acetone			0.1	0.2	0.3
2-Butanone			0.210	0.420	0.525
1,2,3-Trichloropropane			0.1	0.2	0.3
Xylene			Monitor and Report		
Tetrahydrofuran			0.03	0.06	0.08
P-cresol			0.014	0.015	0.017

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
2-Hexanone			0.02	0.04	0.05
4-Methyl-2 Pentanone			0.02	0.04	0.05
Dibromomethane			0.01	0.02	0.03
Alpha-Terpineol			0.016	0.033	0.040
Benzoic Acid			0.071	0.12	0.17

In addition to the effluent limits, the permit contains the following major special conditions:

1. Requirements for four stormwater outfalls.
2. Requirements for landfill leachate monitoring.

Individuals may make an appointment to review the Department files on this case by calling the File Review Coordinator at (717) 705-4732.

The EPA waiver is in effect.

**PAG123554**, CAFO, **Scott Ehrisman**, R. R. 1, Box 606, Richfield, PA 17086. This proposed facility is located in Monroe Township, **Juniata County**.

**Description of Proposed Activity:** The Ehrisman Farm is an existing swine and beef operation with a total AEU of 440.6 with only 32 AEUs being beef. They are proposing to construct a new 2,200 head wean to finish swine operation on this farm. The estimated annual manure production is 5,328.5 tons. The farm's manure storage system consists of an engineer designed concrete manure storage facility located under the swine barn. Scott Ehrisman is also proposing to convert the operation (except 4.16 acres) into pasture ground for beef cattle. Beef cattle will be on pasture most of the time with collected manure being applied to pasture ground. Additional swine manure will be applied to the pasture at a conservative rate to help promote strong grass growth. All additional manure will be exported to neighboring farms to be used on agricultural crops.

The receiving stream, Cocolamus Creek, is in the State Water Plan watershed 12-B and is classified for: TSF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25 year/24 hour rain storms, the CAFO general permits is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with Pennsylvania Nutrient Management Act and The Clean Stream Law constitutes compliance with the State narrative water quality standards.

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*Southwest Regional Office: Regional Manager, Water Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; (412) 442-4000.*

**PA0204901**, Industrial Waste, SIC 4111, **Port Authority of Allegheny County**, 345 Sixth Avenue, 3rd Floor, Pittsburgh, PA 15222. This application is for renewal of an NPDES permit to discharge stormwater from the Ross Maintenance Garage in Ross Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Nelson Run, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Millvale Municipal Water Works, located on the Allegheny River, 6.0 miles below the discharge point.

*Outfall 001:* existing discharge, design flow of varied\* mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
Total Suspended Solids			30		60
Oil and Grease			15		30
Iron			3.5		7.0

Flow is dependent on storm event.

The EPA waiver is in effect.

**PA0026913**, Sewage, **The Municipal Authority of the City of McKeesport**, 100 Atlantic Avenue, McKeesport, PA 15132. This application is for renewal of an NPDES permit to discharge treated sewage from the McKeesport Water Pollution Control Plant in City of McKeesport, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Monongahela River, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Pennsylvania American Water Company Becks Run Station.

*Outfall 001:* existing discharge, design flow of 11.5 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	38		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.5			1.6
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: Outfalls 004—033 will be repermited as combined sewer overflows.

The EPA waiver is not in effect.

**PA0027456**, Sewage, **Greater Greensburg Sewage Authority**, P. O. Box 248, Greensburg, PA 15601-0248. This application is for renewal of an NPDES permit to discharge treated sewage from the Greater Greensburg STP in Hempfield Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Jacks Run, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Westmoreland County Municipal Authority, McKeesport Plant, on the Youghiogheny River.

*Outfall 001:* existing discharge, design flow of 6.75 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>				
(5-1 to 10-31)	15	23		30
(11-1 to 4-30)	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	2.2	3.3		4.4
(11-1 to 4-30)	4.2	6.3		8.4
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.043			0.14
Dichlorobromomethane	0.001			0.0025
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: Outfalls 002—018 and 021—042, which discharge to the receiving waters known as Jacks Run, Zellers Run and Coal Tar Run, serve as combined sewer overflows necessitated by stormwater entering the sewer system and exceeding the hydraulic capacity of the sewers and/or the treatment plant. These outfalls are permitted to discharge only for this reason. There are at this time no specific effluent limitations on the outfalls. Each discharge shall be monitored for cause, frequency, duration and quantity of flow.

The EPA waiver is not in effect.

**PA0036293**, Sewage, **The Municipal Authority of the Township of Robinson**, P. O. Box 15539, Pittsburgh, PA 15244. This application is for Renewal of an NPDES permit to discharge treated sewage from Campbells Run Sewage Treatment Plant in Robinson Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Campbells Run, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the West View Municipal Authority.

*Outfall 001:* existing discharge, design flow of 1.0 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Residual Chlorine	0.5			1.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

**PA0217476**, Sewage, **Edward L. Soloski**, 301 South Jefferson Street, Kittanning, PA 16201. This application is for renewal of an NPDES permit to discharge treated sewage from the Audubon Estates Sewage Treatment Plant in East Franklin Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary to Glade Run, which are classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Buffalo Township Municipal Authority Freeport.

*Outfall 001*: existing discharge, design flow of 0.015 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	4.0			8.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.03			0.07
Dissolved Oxygen	not less than 6 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**PA0238708**, Sewage, **University of Pittsburgh, Livingston Road**, 13142 Hartstown Road, Linesville, PA 16424. This proposed facility is located in South Shenango Township, **Crawford County**.

Description of Proposed Activity: a new treated minor discharge from a privately owned sewage treatment works.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>—NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Shenango River and Greenville Municipal Water Authority located at River Mile 58.93, 18.24 miles below point of discharge.

The receiving stream, unnamed tributary to the Pymatuning Reservoir, is in watershed 20-A and classified for: WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.00075 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow		Monitor and Report	
CBOD <sub>5</sub>	10		20
Total Suspended Solids	20		40
Total Residual Chlorine	1.4		3.3
Fecal Coliform		200/100 ml as a geometric average	
pH		6.0 to 9.0 standard units at all times	

The EPA Waiver is in effect.

## WATER QUALITY MANAGEMENT PERMITS

### CONTROLLED INDUSTRIAL WASTE AND SEWAGE WASTEWATER

#### APPLICATIONS UNDER THE CLEAN STREAMS LAW

#### PART II PERMITS

The following permit applications or requests for plan approval have been received by the Department of Environmental Protection (Department).

Persons wishing to comment on any of the applications are invited to submit a statement to the office noted before the application within 15 days from the date of this public notice. Comments received within this 15-day comment period will be considered in making the final decision regarding the application. The comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department reserves the right to hold a public hearing if the responsible office considers the public



response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation of the area. If no hearing is held, the Department's Water Management Program Manager will make a final determination regarding the applications after a complete review. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

A copy of the permit application or proposed plan is on file in the office indicated and is open to public inspection. Appointments to review the application may be made by contacting Records Management at the indicated telephone number.

#### **I. Industrial Waste and Sewerage Applications under The Clean Streams Law (35 P.S. §§ 691.1—691.1001).**

*Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**WQM Permit No. 1502402**, Sewerage, **Chatham Acres Nursing Home**, East London Grove Avenue, Chatham, PA 19318-001. This proposed facility is located in London Grove Township, **Chester County**.

Description of Proposed Action/Activity: Construction and operation to install a dechlorination system.

**WQM Permit No. 4602402**, Sewerage, **Horsham Township Water & Sewer Authority**, 617B Horsham Road, Horsham, PA 19044. This proposed facility is located in Horsham Township, **Montgomery County**.

Description of Proposed Action/Activity: Construction and operation of a sanitary sewer, duplex sewage pump station and force main.

**WQM Permit No. 4602403**, Sewerage, **Worcester Township**, 1721 Valley Forge Road, P. O. Box 767, Worcester, PA 19490. This proposed facility is located in Worcester Township, **Montgomery County**.

Description of Proposed Action/Activity: Construction and operation of a gravity sanitary sewage collection system and pump station with force main installation to serve Fairview Village.

**WQM Permit No. 4602404**, Sewerage, **Lower Salford Township**, 57 Main Street, P. O. Box 243, Mainland, PA 19451-0243. This proposed facility is located in Lower Salford Township, **Montgomery County**.

Description of Proposed Action/Activity: Construction and operation of sewage pump station and force main to serve the proposed Estates at Salford Lea, a residential development.

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**WQM Permit No. 3602408**, Sewerage, **East Cocalico Township Authority**, 102 Hill Road, Denver, PA 17517. This proposed facility is located in East Cocalico Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization for the construction/modification of upgrading and expanding pump station and force main.

**WQM Permit No. 0102404**, Sewerage, **The Links at Gettysburg Utility Co., LLC**, 601 Mason Dixon Dr., Gettysburg, PA 17325. This proposed facility is located in Mount Joy Township, **Adams County**.

Description of Proposed Action/Activity: Authorization for the construction/operation of a sewage treatment plant to serve the Links at Gettysburg.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Application No. 2602403**, Sewerage, **Menallen Township Sanitary Sewerage Authority**, P. O. Box 576, New Salem, PA 15468. Application for the construction and operation of a sewage treatment plant and pump station to serve the Rock Works Area located in Menallen Township, **Fayette County**.

**Application No. 3002401**, Sewerage, **Dana Mining Company of PA Inc.**, P. O. Box 1209, Morgantown, PA 26507. Application for the construction and operation of a sewage treatment plant to serve the Titus Mine located in Dunkard Township, **Greene County**.

**Application No. 6502404**, Sewerage, **Totteridge Limited Partnership c/o Tamas S. and Susan J. Tantos**, R. R. 4 Box 121, Greensburg, PA 15601. Application for the construction and operation of a sewage treatment plant to serve the Totteridge Golf Course located in Salem Township, **Westmoreland County**.

#### **NPDES Stormwater Individual Permit**

The following parties have applied for an NPDES permit to discharge stormwater associated with a construction activity into waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices which restrict the rate and quantity of sediment discharged.

Where indicated, the EPA Region III Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.24(d).

Persons wishing to comment on the proposed permit are invited to submit a statement to the appropriate Department Regional Office noted before the application within 30 days from the date of this public notice. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and relevant facts upon which it is based. A public hearing may be held after consideration of comments received by the appropriate Department Regional Office during the 30-day public comment period.

Following the 30-day comment period, the appropriate Regional Office Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, including the erosion and sediment control plan for the earth disturbance activity, are on file and may be inspected at the office identified in this notice.

Persons with a disability that require an auxiliary aid, service or other accommodation to participate during the

30-day public comment period should contact the specified Regional Office. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

*Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**NPDES Permit PAS10 D075-R**, Stormwater, **Toll Brothers, Inc.**, 3103 Philmont Avenue, Huntingdon Valley, PA, has applied to discharge stormwater associated with a construction activity located in Northampton Township, **Bucks County** to Churchville Reservoir (TSF).

**NPDES Permit PAS10 G517**, Stormwater, **Lawrence Goldberg**, 135 West Market Street, West Chester, PA 19382, has applied to discharge stormwater associated with a construction activity located in Honey Brook and West Caln Townships, **Chester County** to Two Log Run (HQ), Pequea Creek (HQ) and Indian Spring Run (EV).

**NPDES Permit PAS10 G518**, Stormwater, **William Delusio**, 1244 West Chester Pike, Suite 406, West

Chester, PA 19382, has applied to discharge stormwater associated with a construction activity located in West Bradford Township, **Chester County** to Broad Run (EV).

**NPDES Permit PAS10 G519**, Stormwater, **Wayne C. Megill**, 27 Huntrise Lane, West Chester, PA 19380, has applied to discharge stormwater associated with a construction activity located in Lower Oxford Township, **Chester County** to McDonald Run (HQ, TSF, MF).

**NPDES Permit PAS10 G520**, Stormwater, **White Manor Country Club**, 831 Providence Road, Malvern, PA 19355, has applied to discharge stormwater associated with a construction activity located in Willistown Township, **Chester County** to tributary to Crum Creek (EV).

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Lehigh County Conservation District: Lehigh Ag Ctr., Ste. 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.*

NPDES No.	Applicant Name & Address	County & Municipality	Receiving Water/Use
PAS10Q237	Thomas M. Durkin & Sons, Inc. 3030 Grant Ave. Philadelphia, PA 19114	Lehigh County Upper Macungie Township	Little Lehigh Creek HQ-CWF

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

*Perry County Conservation District, P. O. Box 36 (31 W. Main Street), New Bloomfield, PA 17068; (717) 582-8988.*

NPDES No.	Applicant Name & Address	County & Municipality	Receiving Water/Use
PAS105141	Texas Eastern Transmission 5400 Westheimer Court Houston, TX 77058	Perry County Jackson and Southwest Madison Townships	Sherman Creek (HQ)

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Cambria County Conservation District: 401 Candlelight Drive, Suite 221, Ebensburg, PA 15931, (814) 472-2120.*

**NPDES Permit PAS101027**, Stormwater, **Department of Transportation**, 1620 North Juniata Street, Hollidaysburg, PA 16648 has applied to discharge stormwater associated with a construction activity located in Jackson Township, **Cambria County** to Laurel Run (HQ-CWF) and Findley Run (HQ-CWF).

## PUBLIC WATER SUPPLY (PWS) PERMIT

Under the Pennsylvania Safe Drinking Water Act, the following parties have applied for a PWS permit to construct or substantially modify a public water system.

Persons wishing to comment on the permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. Comment responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon

which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and any related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

## SAFE DRINKING WATER

### Applications Received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

*Southeast Region: Water Supply Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**Permit No. 4602501**, Public Water Supply.  
 Applicant **Upper Hanover Authority**  
 Township Upper Hanover  
 Responsible Official William Kalb  
 P. O. Box 205  
 East Greenville, PA 18041  
 Type of Facility PWS  
 Consulting Engineer Castle Valley Consultant, Inc.  
 10 S. Clinton Street, Suite 302  
 Doylestown, PA 18901  
 Application Received April 3, 2002  
 Date  
 Description of Action Groundwater withdrawal from  
 existing well No. 4 and construc-  
 tion of a 500,000 gallon water  
 storage tank.

*Southcentral Region: Water Supply Management Pro-  
 gram Manager, 909 Elmerton Avenue, Harrisburg, PA  
 17110.*

**Permit No. 6702506**, Public Water Supply.  
 Applicant **Shrewsbury Borough**  
 Municipality Shrewsbury Borough  
 County **York**  
 Responsible Official Peter W. Schnabel, Council  
 President  
 35 W. Railroad Avenue  
 Shrewsbury, PA 17361  
 Type of Facility PWS  
 Consulting Engineer Charles A. Kehew II, P.E.  
 James R. Holley & Assoc., Inc.  
 18 South George St.  
 York, PA 17401  
 Application Received March 18, 2002  
 Date  
 Description of Action Construction Permit for PW-1  
 and PW-2 and ancillary facil-  
 ities. PW-1 and PW-2 will be  
 used at rates of 40 and 25 gal-  
 ons per minute, respectively.  
 Treatment will be provided at  
 existing, previously permitted  
 facilities.

*Northwest Region: Water Supply Management Program  
 Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Permit No. 2502501**, Public Water Supply.  
 Applicant **Wintergreen Acres MHP**  
 Williams Road  
 Lake City, PA 16423  
 Township or Borough Girard Township, **Erie County**  
 Responsible Official Kurt and Michael Edwards  
 Owners  
 44 Julia Drive  
 Lake City, PA 16423  
 Type of Facility PWS  
 Consulting Engineer Richard A. Deiss & Associates  
 9342 Pettis Road  
 Meadville, PA 16335  
 Application Received April 1, 2002  
 Date

Description of Action Modification and operation of an  
 existing water system, which  
 consists of three dug wells as  
 source of supply.

**Permit No. 2002502**, Public Water Supply.  
 Applicant **Cambridge Area Joint Au-  
 thority**  
 161 Carringer Street  
 Cambridge Springs, PA 16403  
 Township or Borough Cambridge Township, **Crawford  
 County**  
 Responsible Official William Tonn, Chairperson  
 Type of Facility Consecutive Water Supply  
 Consulting Engineer Clayton J. Fails, P.E.  
 Hill Engineering  
 8 Gibson Street  
 North East, PA 16428  
 Application Received April 2, 2002  
 Date

Description of Action Ownership and operation of a  
 water distribution system within  
 selected areas of Cambridge  
 Township. Finished treated wa-  
 ter will be purchased from the  
 Borough of Cambridge Springs  
 and sold to CAJA customers  
 within Cambridge Township.

#### MINOR AMENDMENT

#### Applications Received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

*Southwest Region: Water Supply Management Program  
 Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-  
 4745.*

**Application No. 1102502**, Minor Amendment.  
 Applicant **East Taylor Municipal Au-  
 thority**  
 403 Donruth Lane  
 Johnstown, PA 15909-1607  
 (Township or Borough) East Taylor Township  
 Responsible Official L. Randall James, Manager  
 East Taylor Municipal Authority  
 403 Donruth Lane  
 Johnstown, PA 15909-1607  
 Type of Facility Tank  
 Consulting Engineer The EADS Group, Inc.  
 450 Aberdeen Drive, P. O. Box  
 837  
 Somerset, PA 15501  
 Application Received April 4, 2002  
 Date  
 Description of Action Painting of tank #1

#### LAND RECYCLING AND ENVIRONMENTAL REMEDIATION UNDER ACT 2, 1995 PREAMBLE 1

**Acknowledgment of Notices of Intent to Remediate  
 Submitted under the Land Recycling and Envi-  
 ronmental Remediation Standards Act (35 P. S.  
 §§ 6026.101—6026.908).**

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide Health Standard, the site-specific standard or who intend to remediate a site as a special industrial area, must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period the municipality may request that the person identified, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved and comments, should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

*Southeast Region: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**Miluski Property**, Nether Providence Township, **Delaware County**. Henry G. Bienkowski, P.G., Mulry & Cresswell Environmental, Inc., 1691 Horseshoe Pike, Suite 3, Glenmoore, PA 19343, on behalf of Mr. and Mrs. Miluski, 18 Brookside Dr., Wallingford, PA 19086, has submitted a Notice of Intent to Remediate site soil contaminated with BTEX and polycyclic aromatic hydrocarbons. The applicant proposes to remediate the site to meet the Statewide Health Standards. A summary of the

Notice of Intent to Remediate was reported to have been published in the *Delaware County Times* on March 18, 2002.

**Former PPG Industries, Inc. and BASF Corp. Facility**, Folcroft Borough, **Delaware County**. Russell D. Devan, P.G., Environmental Resources Management, Inc., 855 Springdale Dr., Exton, PA 19341, on behalf of Jarden Investments, LP, 1830 Columbia Ave., Folcroft, PA, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with lead, heavy metals, BTEX, solvents and pesticides. The applicant proposes to remediate the site to meet Statewide Health and Site-Specific Standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *Delaware County Times* on February 22, 2002.

**Liquor Control Board Warehouse/Distribution Center**, City of Philadelphia, **Philadelphia County**. Daniel Rickard, Quad Three Group, Inc., 116 N. Washington Ave., Scranton, PA 18503, on behalf of Liquor Control Board, Northwest Office Building, Harrisburg, PA 17124, has submitted a Notice of Intent to Remediate site soil contaminated with lead. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Inquirer* on February 8, 2002.

*Northcentral Region: Environmental Cleanup Program, 208 West Third Street, Williamsport, PA 17701.*

**LB Smith—Bellefonte**, Spring Township, **Centre County**. Advantage Engineering, on behalf of LB Smith, Inc., 6375 Mercury Road, Mechanicsburg, PA 17050, has submitted a Notice of Intent to Remediate groundwater contaminated with No. 2 Fuel Oil. The applicant proposed to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bargain Sheet* on February 28, 2002.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Application Received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southeast Region: Regional Solid Waste Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**Permit Application No. 101432. Onyx Waste Services Inc.**, 310 Washington Street, Norristown, PA 19404. Application submitted for a permit modification to reflect a corporation name change from Superior Waste Services of Delaware Valley, Inc. to Onyx Waste Services Inc. for their transfer station located in the Borough of Norristown, **Montgomery County**. The application was received by the Southeast Regional Office on March 27, 2002.

## AIR QUALITY

### NOTICE OF PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program.

This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the Regional Office identified in this notice. Persons interested in reviewing the application files should contact the appropriate Regional Office to schedule an appointment.

Persons wishing to receive a copy of the proposed Plan Approval or Operating Permit must indicate their interest to the Department Regional Office within 30 days of the date of this notice and must file protests or comments on a Proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Any comments or protests filed with the Department Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts, which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the Regional Office identified. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121–143, the Federal Clean Air Act and regulations adopted under the Act.

#### PLAN APPROVALS

**Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Contact: James Parette, New Source Review Chief, (570) 826-2531.*

**39-399-052: Agere Systems, Inc.** (555 Union Boulevard, Allentown, PA 18109-3286) for relocation of a dielectric isolation manufacturing process and associated air cleaning device in Allentown, **Lehigh County**.

**39-309-057: Lafarge North America** (5160 Main Street, Whitehall, PA 18052) for replacement/installation of an air cleaning device on a clinker storage A-Frame in Whitehall Township, **Lehigh County**.

**39-318-110: Prior Coated Metals, Inc.** (2233 26th Street SW, Allentown, PA 18103) for replacement/

installation of an air cleaning device on a coil coating operation in Allentown, **Lehigh County**.

**64-399-002: Flexible Foam Products, Inc.** (220 South Elizabeth Street, P. O. Box 126, Spencerville, OH 45887) for construction of a polyurethane manufacturing facility in Palmyra and Texas Townships, **Wayne County**.

**39-327-003: SHI-APD Cryogenics, Inc.** (1833 Vultee Street, Allentown, PA 18103) for construction of a vapor degreaser and associated air-cleaning device in Allentown, **Lehigh County**.

**40-306-010: Green Power Group, Inc.** (3212 Wickford Road, Wilmington, NC 28409) for construction of a wood fired electric generation operation and associated air cleaning devices in Hazle Township, **Luzerne County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: David Aldenderfer, Program Manager, (570) 327-3637.*

**59-00004B: Ward Manufacturing, Inc.** (P. O. Box 9, Blossburg, PA 16912) for construction of a warm box core machine in Blossburg Borough, **Tioga County**.

**49-00019C: Sunoco Partners Marketing and Terminals L.P.** (1801 Market Street, 19/10 PC, Philadelphia, PA 19103) for installation of a replacement air cleaning device (a vapor combustion unit) on gasoline/petroleum product loading operations at the Northumberland Terminal in Point Township, **Northumberland County**. The gasoline loading is subject to Subpart XX of the Federal Standards of Performance for New Stationary Sources.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: William Charlton, New Source Review Chief, (412) 442-4174*

**32-00311A: IA Construction Corp.** (158 Lindsay Road, Zelienople, PA 16063) for installation of storage tanks for RFO #5 fuel oil at Homer City Plant in Center Township, **Indiana County**.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Thomas McGinley, New Source Review Chief, (610) 832-6242.*

**46-0224: Harleysville Mutual Insurance Co.** (355 Maple Avenue, Harleysville, PA 19438) for installation of two 1,000-kilowatt Onan Emergency Generators at the Harleysville facility in Lower Salford Township, **Montgomery County**. The facility is a non-Title V (State only) facility for all air pollutants. This installation will result in the maximum NOx emissions of 12.4 tons per year. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Contact: James Parette, New Source Review Chief, (570) 826-2531.*

**40-328-005: Transcontinental Gas Pipeline Corp.** (P. O. Box 1396, Houston, TX 77251-1396) for modification of the existing natural gas turbine, Unit #6, to increase

the horsepower from 12,600 to 15,000 and retrofit the unit with SoLoNOx technology in Buck Township, **Luzerne County**. NOx emissions will not exceed 42 ppm from Unit 6 and will not operate more than 3,120 hours/year. The company currently has a Title V Operating Permit (40-00002). The Plan Approval and Operating Permit will include testing, monitoring, record keeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements. The Plan Approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.*

**36-03074A: Colonial Metals Co.** (217 Linden Street, Columbia, PA 17512) for renovation of the existing scrap metal recycling facility in Columbia Borough, **Lancaster County**. A new electric induction furnace and fabric filter will be installed along with a reconfiguration of existing furnaces and emission control systems. The renovation will not significantly change emissions from the facility. The plan approval will include testing, monitoring, recordkeeping and reporting conditions to ensure the facility complies with the applicable air quality requirements. The appropriate conditions will be incorporated into the facility's State-only operating permit.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Thomas Barsley, Chief, (215) 685-9428.*

**02024: Navy Surface Warfare Center** (5001 South Broad Street, Code 027, Philadelphia, PA 19112) for reactivation one 9.8 mmBtu/hr diesel engine at their facility in the City of Philadelphia, **Philadelphia County**. This is a Title V facility. The engine will operate only 1,000 hours in any 12-month period. The NOx emission from the engine will be 1.52 tons per year. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

**02025: Navy Surface Warfare Center** (5001 South Broad Street, Code 027, Philadelphia, PA 19112) for installation of two 208 HP diesel fire suppression pumps and one 150 HP portable diesel air compressor at their facility in the City of Philadelphia, **Philadelphia County**. This is a Title V facility. The pumps will be operated for 100 hours each in any 12-month period and the portable compressor will be operated only 500 hours in any 12-month period. The NOx emissions will be 1.81 tons per year. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

**02057: Thermo-Depolymerization Process, LLC** (460 Hempstead Avenue, West Hempstead, NY 11552) to amend their permit for the TDP Pilot Plant along 4599 Basin Bridge Road, Building 772 in the City of Philadelphia, **Philadelphia County**. This is a natural minor facility. The facility wants to add waste tires, mixed plastics, presorted municipal waste and sewage sludge to the list of materials permitted to be processed at the pilot plant. No increase in emissions is anticipated from the pilot studies. The hours of operation will remain the same. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

## OPERATING PERMITS

### Intent to Issue Title V Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.*

**06-05040: East Penn Mfg. Co., Inc.** (P. O. Box 147, Lyon Station, PA 19536) for operation of a secondary lead smelter controlled by various control devices in Richmond Township, **Berks County**. The facility has the potential to emit the following: 8.0 tons per year of lead, 89.6 tons per year of particulate, 99.5 tons per year of sulfur dioxide, 93.8 tons per year of nitrogen oxides, 37.4 tons per year of VOCs and 54.6 tons per year of carbon dioxide. The applicant has taken voluntary restrictions on several sources to limit the facility emission to the previous potentials. The facility is a Title V subject facility, because of these potentials and the potentials from the associated battery assembly plant (06-05069). The permit will include potential to emit limits. The facility is subject to 40 CFR Part 60, Subpart R—Standards of Performance for New Stationary Sources and 40 CFR Part 63, Subpart X—National Emission Standards for Hazardous Air Pollutants for Secondary Lead Smelting and 25 Pa. Code § 129.91, Control of Major Sources of NOx and VOC, Reasonably Available Control Technology. The permit will include monitoring, testing, record keeping, work practices and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

### Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.*

**21-05042: Pennsy Supply, Inc.** (P. O. Box 3331, Harrisburg, PA 17105) for operation of its hot mix batch asphalt plant (controlled by a knockout box/fabric collector) at the Silver Spring Quarry in Silver Spring Township, **Cumberland County**. Actual emissions for criteria pollutants will be below Title V thresholds. This will be accomplished by limiting the production rate of hot mix asphalt. The operating permit will contain appropriate conditions designed to keep the facility operating below Title V thresholds for criteria pollutants and within all other applicable air quality requirements.

**36-03036: Nissin Foods (USA) Co., Inc.** (2902 Hempfield Road, Lancaster, PA 17601) for operation of a food preparation facility in East Hempfield Township, **Lancaster County**. Actual emissions are estimated at 0.4 ton per year of particulate matter, 0.2 ton per year of sulfur dioxide, 6.1 tons per year of nitrogen oxide, 2.6 tons per year of carbon monoxide, 1.0 ton per year of VOCs and 0.01 ton per year of hazardous air pollutants. The operating permit shall include appropriate conditions designed to keep the facility operating within all applicable air quality requirements.

**67-03032: Housing Authority for City of York** (31 South Broad Street, York, PA 17405) for operation of three municipal waste incinerators in York City, **York County**. Actual emissions of particulate matter, sulfur dioxide, oxides of nitrogen, carbon monoxide, VOCs and hazardous air pollutants are considered to be negligible.

The operating permit shall include appropriate conditions designed to keep the facility operating within all applicable air quality requirements.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.*

**33-00085: Symmco Inc.—Sykesville Plant** (101 South Park Street, P. O. Box F, Sykesville, PA 15865) for a Natural Minor Operating Permit for operation of the facility's air contamination sources consisting of a three gas fired sintering furnaces and five electric sintering furnaces in Sykesville Borough, **Jefferson County**.

**10-00311: F. B. Leopold Co., Inc.—Zelienople Plant** (227 South Division Street, Zelienople, PA 16063-1313) for a Natural Minor Operating Permit for operation of the facility's air contamination sources consisting of a gas fired boiler and the fiberglass spray process in Zelienople Borough, **Butler County**.

## MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated before each application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

Written comments or objections or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment and informal conferences).

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the previous, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES

permit requirements for a particular mining activity within the previously-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

### Coal Applications Received

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.*

**54840105T2. Mine Hill Coal Co. #7, Inc.** (P. O. Box 466, Minersville, PA 17954), transfer of an existing anthracite surface mine operation from Coal Contractors (1991), Inc. in Cass Township, **Schuylkill County** affecting 272.2 acres, receiving stream: none. Application received April 2, 2002.

*Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982, (724) 925-5500.*

**04960101 and NPDES No. PA0201812. Kerry Coal Company** (R. R. 2, Box 2139, Wampum, PA 16157). Renewal application for reclamation only to an existing bituminous surface mine located in South Beaver Township, **Beaver County**, affecting 224 acres. Receiving streams: unnamed tributaries to Brush Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received April 4, 2002.

*McMurray District Mining Office: 3913 Washington Road, McMurray, PA 15317, (724) 941-7100.*

**30841310. NPDES Permit #PA0046132, Duquesne Light Company** (P. O. Box 457, Greensboro, PA 15338), to renew the permit for the Warwick Mine No. 3 in Dunkard Township, **Greene County** to renew permit for reclamation only, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, Meadow Run, tributary to Dunkard Creek, Mundell Hollow, classified for the following use: WWF. The first downstream potable water supply intake from the point of discharge is N/A. Application received February 26, 2002.

**30841316. NPDES Permit #PA0213535, Consol PA Coal Co.** (P. O. Box 355, Route 519, Eighty Four, PA 15330), to renew the permit for the Bailey Mine in Richhill, Gray, Aleppo and West Finley Townships, **Greene and Washington Counties** to renew the permit for deep and prep. plant, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following use: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Application received February 28, 2002.

### Noncoal Applications Received

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.*



**64910301T. Lackawaxen-Honesdale Shippers Association** (100 4th Street, Honesdale, PA 18431), transfer of a quarry operation from Edward B. Strasser in Palmyra Township, **Wayne County** affecting 15.3 acres, receiving stream: none. Application received April 1, 2002.

**6477SM4A1C3 and NPDES Permit #PA0612677. John F. Walter Excavating, Inc.** (P. O. Box 175, Newville, PA 17241), renewal of NPDES Permit in Middlesex Township, **Cumberland County**, receiving stream: unnamed tributary to Conodoquinet Creek: classified for the following use HQ-CWF. Application received April 1, 2002.

**6277SM1A1C4. Compass Quarries, Inc. d/b/a Independence Construction Materials** (47 McIlvaine Road, Box 130, Paradise, PA 17562), depth correction for an existing quarry operation in Paradise Township, **Lancaster County** affecting 157.1 acres, receiving stream: Londonland Run: classified for the following use: CWF. Application received April 1, 2002.

*Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982, (724) 925-5500.*

**04960302 and NPDES Permit No. PA0201677. Kathryn I. Paumier** (303A Smiths Ferry Rd., Midland, PA 15059). Renewal application to continue operation and reclamation of a noncoal surface mine located in Ohioville Borough, **Beaver County**, affecting 31.9 acres. Receiving streams: Upper Dry Run to the Ohio River, classified for the following use: WWF. The first downstream potable water supply intake from the point of discharge is East Liverpool Water Department. Renewal application received April 1, 2002.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications and requests for Environmental Assessment approval and requests for Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)), requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Initial requests for 401 Water Quality Certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8 a.m. and 4 p.m. on each working day at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Applications Received under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and Requests for Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

## WATER OBSTRUCTIONS AND ENCROACHMENTS

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**E34-104. Harry Becker, Gronninger Farms**, P. O. Box 63, Mexico, PA 17056.

To construct and maintain a bridge having a span of 39 feet and an underclearance of 7.5 feet across the channel of Horning Run (CWF) at a point approximately 800 feet downstream of Route 22/322 (Mifflintown, PA Quadrangle N: 17.8 inches; W: 5.4 inches) in Fermanagh Township, **Juniata County**.

**E50-210. James Eppley, Department of Conservation and Natural Resources**, P. O. Box 8451, Harrisburg, PA 17105 in Toboyne Township, **Perry County**, ACOE Baltimore District.

To construct and maintain the rehabilitation of an existing bridge on the North Branch of Laurel Run (EV) by replacing the superstructure and placing about 48 feet of riprap around both bridge abutments to protect the abutment from scouring located on Laurel Run Road about 1.1 miles northwest of its intersection with Cowpens Road (Blain, PA Quadrangle N: 0.15 inch; W: 4.2 inches) in Toboyne Township, **Perry County**.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.*

**E14-413. American Philatelic Society**, 100 Oakwood Avenue, State College, PA 16801. American Philatelic Research Library, in Bellefonte Borough, **Centre County**, ACOE Baltimore District (Bellefonte, PA Quadrangle N: 6.2 inches; W: 4.6 inches).

To: 1) extend an existing drainage channel by removing a 75-foot long 72-inch corrugated metal pipe and regrading the channel up to the next pipe section; 2) construct and maintain a foot bridge over the new section of the drainage channel; 3) to construct and maintain a 18-inch stormwater outfall pipe into the channel for water that now enters the channel by overland flow; and 4) to construct and maintain a 12-inch outfall to Spring Creek for roof drain water that now enters the creek by overland flow. The project proposes to permanently impact 75 linear feet of the drainage channel that is classified as a CWF and 4 linear feet of Spring Creek that is classified as a HQ-CWF.

**E14-418. Thomas A. Shivery**, 356 Lower Coleville Road, Bellefonte, PA 16823. Recreational vehicle garage in Spring Township, **Centre County**, ACOE Baltimore District (Bellefonte, PA Quadrangle N: 6.07 inches; W: 6.82 inches).

To construct and maintain a 36-foot 2-inch by 52-foot 2-inch pole barn recreational vehicle garage over an unnamed tributary to Buffalo Run located at 356 Lower



Coleville Road. The garage would permanently impact 40 linear feet of the unnamed tributary to Buffalo Run, which classified as a CWF.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E02-1372. Anthony Merante**, P. O. Box 97935, Pittsburgh, PA 15227. West Mifflin Borough, **Allegheny County**, ACOE Pittsburgh District.

To construct and maintain a 325.0 foot long stream enclosure consisting of a 48-inch diameter culvert in an unnamed tributary to Streets Run (WWF) to provide access to applicants property located on the south side of Streets Run Road, approximately 440 feet east from the intersection of Streets Run Road and Lutz Hollow Road (Glassport, PA Quadrangle N: 21.5 inches; W: 9.8 inches).

**E02-1373. North Boros Veterinary Hospital**, 2255 Babcock Boulevard, Pittsburgh, PA 15237. Ross Township, **Allegheny County**, ACOE Pittsburgh District.

To construct and maintain a retaining wall along the left bank side of Girty's Run (WWF) for a distance of approximately 105 feet in front of an existing deteriorating wall and construct and maintain an extension to an existing 12 inch RCP outfall to Girty's Run. The project is located on the south side of Babcock Boulevard approximately 350 feet west of its intersection with Thompson Run Road (Glenshaw, PA Quadrangle N: 2.0 inches; W: 16.7 inches).

**E63-529. James Curry**, 9 Coal Center Road, Bentleyville, PA 15314. Nottingham Township, **Washington County**, ACOE Pittsburgh District.

To operate and maintain the existing bridge (low flow crossing) consisting of three 30-inch diameter culverts in an unnamed tributary to Mingo Creek (HQ-TSF) to provide access to applicants property. The project is located on the south side of Little Mingo Road, approximately 1,400 feet west from the intersection of Little Mingo Road and Beagle Club Road (Hackett, PA Quadrangle N: 16.6 inches; W: 3.1 inches).

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**E37-143. Lawrence County Commissioners**, 430 Court Street, New Castle, PA 16101-3558. Ewing Park Bridge across Connoquenessing Creek, in Ellwood City Borough, **Lawrence County**, ACOE Pittsburgh District (Beaver Falls, PA Quadrangle N: 20.4 inches; W: 3.75 inches).

To remove the existing Ewing Park Bridge and to construct and maintain a Steel Multi-Girder bridge having clear spans of 160 feet, 220 feet, 160 feet and an underclearance of 120 feet on a 90 degree skew across Connoquenessing Creek on Sims Street Ellwood City Borough.

## STORAGE TANKS

### SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Land Recycling and Waste Management, Division of Storage Tanks, P. O. Box 8763, Harrisburg, PA 17105-8763, within 30 days from the date of this publication. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

**The following application has been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.**

<i>SSIP Application No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
SSIP02003	Peter Swift United States Department of Justice Federal Bureau of Prisons 320 First Street, NW Washington, DC 20534	Wayne County	Canaan Township	2 ASTs—storing Class # Diesel  1 AST—storing gasoline	40,000 gallons total  6,000 gallons

## ACTIONS

### FINAL ACTIONS TAKEN UNDER THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT—NPDES AND WQM PART II PERMITS

#### INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

The Department of Environmental Protection has taken the following actions on previously received permit applications and requests for plan approval.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available

in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

#### **I. Municipal and Industrial Permit Actions under The Clean Streams Law Act (35 P. S. §§ 691.1—691.1001).**

*Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**NPDES Permit No. PA0056537**, Industrial Waste, **Highway Materials, Inc.**, 680 Morehall Road, Malvern, PA 19355. This proposed facility is located in East Whiteland Township, **Chester County**.

Description of Proposed Action/Activity: Renewal to discharge into an unnamed tributary to Valley Creek.

**NPDES Permit No. PA0053392**, Industrial Waste, **United Parcel Service**, 1 Hog Island Road, Philadelphia, PA 19153-3996. This proposed facility is located in Tinicum Township, **Delaware County**.

Description of Proposed Action/Activity: Renewal to discharge into Delaware River.

**NPDES Permit No. PA0057029**, Industrial Waste, **Hewlett Packard Company**, 10,000 East Geddes Avenue Suite 100, Englewood, CO 80112-3664. This proposed facility is located in New Garden Township, **Chester County**.

Description of Proposed Action/Activity: Renewal to discharge into an unnamed tributary to Egypt Run.

**NPDES Permit No. PA0021172 Amendment No. 3**, Sewage, **Bucks County Water and Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976. This proposed facility is located in Doylestown Borough, **Bucks County**.

Description of Proposed Action/Activity: Amend existing permit to install an ultraviolet disinfection facility at the Harvey Avenue sewage treatment plant.

**WQM Permit No. 1587416**, Sewerage, **Longwood Gardens, Inc.**, P. O. Box 501, Kennett Square, PA 19348-0501. This proposed facility is located in East Marlborough Township, **Chester County**.

Description of Proposed Action/Activity: Approval to amend the permit reflecting installation of a tertiary treatment system and to use this high quality treated water for irrigation.

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**NPDES Permit No. PA-0062120**, Industrial Waste, **Pennsylvania-American Water Company**, 20 East Union Street, Wilkes-Barre, PA 18701-1397. This proposed facility is located in South Abington Township, **Lackawanna County**.

Description of Proposed Action/Activity: To renew NPDES Permit to discharge into Leggett's Creek.

**NPDES Permit No. PA-0062634**, Sewage, **AWB Associates**, P. O. Box 388, Lionville, PA 19353. This proposed facility is located in North Manheim Township, **Schuylkill County**.

Description of Proposed Action/Activity: discharge to an unnamed tributary to Mahanoy Creek/Renewal of NPDES Permit.

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**NPDES Permit No. PA0036145**, Sewage, **Franklin County Career & Technology Center**, 2463 Loop Road, Chambersburg, PA 17201. This proposed facility is located in Guilford Township, **Franklin County**.

Description of Proposed Action/Activity: Authorization to discharge to the Conococheague Creek in Watershed 13-C.

**NPDES Permit No. PA0084484**, Sewage, **Salisbury Township, Rosehill Wastewater Treatment Facility**, 5581 Old Philadelphia Pike, Gap, PA 17527. This proposed facility is located in Salisbury Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary to the Pequea Creek.

**NPDES Permit No. PA0085022**, Sewage, **Conoy Township, Falmouth Wastewater Treatment Plant**, 211 Falmouth Road, Bainbridge, PA 17502. This proposed facility is located in Conoy Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary to the Susquehanna River in Watershed 7-G.

**NPDES Permit No. PA0085006**, Sewage, **Conoy Township, Bainbridge Wastewater Treatment Plant**, 211 Falmouth Road, Bainbridge, PA 17502. This proposed facility is located in Conoy Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to Conoy Creek in Watershed 7-G.

**NPDES Permit No. PA0246433**, Sewage, **Broad Top Township, Hess Trailer Park**, Municipal Loop, P. O. Box 57, Defiance, PA 16633-0057. This proposed facility is located in Broad Top Township, **Bedford County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary of Sherman Valley Run in Watershed 11-D.

**NPDES Permit No. PA0082392**, Sewage, **Derry Township Municipal Authority**, 670 Clearwater Road, Hershey, PA 17033-2453. This proposed facility is located in Londonderry Township, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to Swatara Creek in Watershed 7-D.

**NPDES Permit No. PA0086894 (Transfer #1)**, Sewage, **Raymond Hoffman, Country View Mobile Home Park**, 842 Dicks Dam Road, New Oxford, PA 17350. This proposed facility is located in Washington Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT of Red Run in Watershed 7-F.

**NPDES Permit No. PA0084697**, Sewage, **Wiconisco Township**, 305 Walnut Street, P. O. Box 370, Wiconisco,

PA 17097. This proposed facility is located in Wiconisco Township, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to Bear Creek in Watershed 6-C.

**NPDES Permit No. PA0084018**, Sewage, **Stan Custer, Jr., Fishing Creek Estates Homeowners Association c/o Custer Homes, Inc.**, 1309 Laurel Point Circle, Harrisburg, PA 17110. This proposed facility is located in Middle Paxton Township, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to Fishing Creek in Watershed 7-C.

**WQM Permit No. 0101408**, Sewage, **Conewago Enterprises, Inc.**, P. O. Box 407, Hanover, PA 17331. This proposed facility is located in Mount Pleasant Township, **Adams County**.

Description of Proposed Action/Activity: Authorization for the construction/operation of sewage treatment facilities and land application facilities.

**WQM Permit No. 0501408**, Sewerage, **Broad Top Township**, Municipal Loop, P. O. Box 57, Defiance, PA 16633-0057. This proposed facility is located in Broad Top Township, **Bedford County**.

Description of Proposed Action/Activity: Authorization for the construction/operation of sewage treatment facilities.

**WQM Permit No. 3602405**, Sewerage, **Ephrata Township Sewer Authority**, 265 Akron Road, Ephrata, PA 17522. This proposed facility is located in Ephrata Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization for construction/operation of the Lincoln's Meadow Pump Station.

**NPDES Permit No. PA0081418**, Industrial Waste, **Todd M. Rutter, Rutter's Dairy, Inc.**, 2100 North George Street, York, PA 17404-1898. This proposed facility is located in Manchester Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT Codorus Creek in Watershed 7-H.

**NPDES Permit No. PA0087572**, Industrial Waste, **Williamstown Borough Authority**, Williamstown Water Plant, P. O. Box 32, Williamstown, PA 17098. This proposed facility is located in Williams Township, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary of Wiconisco Creek in Watershed 6-C.

**WQM Permit No. PA0086711 (transfer)**, Industrial Waste, **Sunoco Partners Marketing & Terminal, L.P.**, 1801 Market Street (10PC), Philadelphia, PA 19103-1699. This proposed facility is located in Hampden Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT Cedar Run in Watershed 7-E.

**NPDES Permit No. PA0246581 and WQM Permit No. 2802201**, CAFO, **Richard Hissong, Mercer Vu Farms, Inc.**, 12352 Karper Road, Mercersburg, PA 17236. This proposed facility is located in Montgomery Township, **Franklin County**.

Description of Proposed Action/Activity: Authorization for construction/operation of a 1,255 AEU Concentrated Animal Feeding Operation and authorization to discharge to Conococheague Creek in Watershed 13-C.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**NPDES Permit No. PA0114685**, Sewage, SIC 4952, **Harvest Moon Plaza, Inc.**, 7468 S. Route 220 Highway, Linden, PA 17744. This proposed facility is located in Woodward Township, **Lycoming County**.

Description of Proposed Action/Activity: Renewal of NPDES Permit for STP serving Mifflin Manor.

**NPDES Permit No. PA0209392**, Sewage, SIC 4952, **Richmond Township Municipal Authority**, 563 Valley Road, Mansfield, PA 16933. This proposed facility is located in Richmond Township, **Tioga County**.

Description of Proposed Action/Activity: Municipal wastewater treatment facilities.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**NPDES Permit No. PA0204889**, Sewage, **Port Authority of Allegheny County**, 345 Sixth Avenue, Third Floor, Pittsburgh, PA 15222-2527 is authorized to discharge from a facility located at Harmar Township, **Allegheny County** to receiving waters named unnamed tributary to Deer Creek.

**NPDES Permit No. PA0218146**, Industrial, **Texas Eastern Transmission, LP**, 5400 Westheimer Court, Houston, TX 77056-5310 is authorized to discharge from a facility located at Armagh Compressor Station, West Wheatfield Township, **Indiana County** to receiving waters named unnamed tributary to East Branch Richards Run.

#### **NPDES STORMWATER INDIVIDUAL PERMITS—(PAS)**

The following NPDES Individual Permits for Discharges of Stormwater Associated with Construction Activities have been issued.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

# NOTICES

2015

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10H094	Old Field Partnership Max Marbain 4075 Market Street Camp Hill, PA 17011	Cumberland County	South Middleton Township	Letort Spring Run HQ-CWF
PAS10O080	Mussers's, Inc. 35 Friendly Drive Quarryville, PA 17566	Lancaster County	East Drumore Township	UNT to Conowingo Creek (HQ)
PAS10O084	Tanglewood Manor, Inc. 2938 Columbia Avenue Lancaster, PA 17603	Lancaster County	East Drumore Township	Conowingo Creek (HQ)
PAS10O072	Tanglewood Manager, Inc. 2938 Columbia Avenue Lancaster, PA 17603	Lancaster County	East Drumore Township	Conowingo Creek (HQ)
PAS10M111	Falling Spring Greenways 8903 Flagstone Circle Randallstown, MD 21133	Franklin County	Guilford Township	Falling Spring Branch (HQ-CWF)
PAS10H053R	Forgedale Associates 643 Forge Road Carlisle, PA 17013	Cumberland County	South Middleton Township	Letort Spring Run (EV-CWF)

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

<i>NPDES Permit</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS106112	Seven Springs Farm, Inc. 777 Waterwheel Drive Champion, PA 15622	Somerset County Jefferson Township Middle Creek Township	Allen Creek/HQ-CWF Jones Mill Run/EV
PAS10L026	NWL Company 1001 Lafayette Drive Farmington, PA 15437	Fayette County Wharton Township	Deadman Run/HQ-CWF
PAS10W086	Albert and Scott Biers Washington Road Canonsburg, PA 15317	Washington County North Strabane Township	Little Chartiers Creek HQ-TSF

## APPROVALS TO USE NPDES AND/OR OTHER GENERAL PERMITS

The following parties have submitted: (1) Notices of Intent for Coverage under (1) General NPDES Permits to Discharge Wastewater into the Waters of the Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations. Monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permits for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania; (3) General NPDES Permit Authorizing the Discharge of Stormwater Associated with Construction Activities to Waters of the Commonwealth; (4) Notification for First Use Application of Sewage Sludge.

The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. The Department of Environmental Protection approves the following coverage under the specific General Permit.

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

## List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application

PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)

*General Permit Type—PAG-2*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Newtown Township Delaware County	PAR10J238	Bentley Homes, LTD 1595 Park Pike West Chester, PA 19380 and Vaughn and SMS 347 East Conestoga Road Wayne, PA 19087	Darby Creek CWF	Southeast Regional Office Suite 6010, Lee Park 555 North Lane Conshohocken, PA 19428 (610) 832-6000
Luzerne County Dallas Township	PAR10R247	College Misericordia 301 Lake St. Dallas, PA 18612	Toby's Creek CWF	Luzerne County Conservation District (570) 674-7991
Luzerne County Pittston Township	PAR10R252	By Pass Realty 1500 Highway 315 Plains, PA 18705	Mill Creek CWF	Luzerne County Conservation District (570) 674-7991
Ephrata Township Lancaster County	PAR10O523	Reading Road Corp. 529 Stevens Rd. Ephrata, PA 17522	UNT Cocalico Creek WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Earl Township Lancaster County	PAR10O536	Bill Mowbray 57 N. Whisper Lane New Holland, PA 17557	Mill Creek CWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Mount Joy Township Lancaster County	PAR10O547	Mount Joy Township 159 Merts Dr. Elizabethtown, PA 17022	UNT Little Chickies Creek TSF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
East Lampeter Township Lancaster County	PAR10O548	High Assoc. LTD 1835 William Penn Way Lancaster, PA 17605	UNT Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Rapho Township Lancaster County	PAR10O550	Summer Hill Farm Howard Boyd 897-C Mount Joy Rd. Mount Joy, PA 17552	Little Chickies Creek/TSF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Rapho Township Lancaster County	PAR10O553	John D. Kilmer 2113 Kilmer Rd. Manheim, PA 17545	UNT Rife Run WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361
Lancaster City Lancaster County	PAR10O556	Packaging Corporation of America 1530 Fruitville Pike Lancaster, PA 17601	UNT Little Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Rd., Rm. 6 Lancaster, PA 17601 (717) 299-5361

# NOTICES

2017

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Robeson Township Berks County	PAR10C408	Robert L. Deeds 1471 Golf Course Road Birdsboro, Pan 19508	Seidel Creek (WWF)	Berks County Conservation District P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533-0520 (610) 372-4657
Muhlenberg Township Berks County	PAR10C406	Rick Burkey, Partner Erin Partners 506 Morgantown Road Reading, PA 19611	Schuylkill River (WWF)	Berks County Conservation District P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533-0520 (610) 372-4657
Amity Township Berks County	PAR10C376	Robert J. Razler Heritage Bldg. Group, Inc. 3326 Old York Rd. Suite 100-D Furlong, PA 18925	Manatawny and Monocacy Creeks (WWF/CSF)	Berks County Conservation District P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533-0520 (610) 372-4657
Muhlenberg Township Berks County	PAR10C404	John Herman DIJO, Inc. 3701 Perkiomen Ave. Reading, PA 19606	Schuylkill River (WWF)	Berks County Conservation District P. O. Box 520 1238 County Welfare Rd. Leesport, PA 19533-0520 (610) 372-4657
Shippensburg Township Cumberland County	PAR10H287	Shippensburg University Foundation Lloyd Trinklein 1871 Old Main Drive Shippensburg, PA 17257	Burd Run	Cumberland County Conservation District 43 Brookwood Avenue Suite 4 Carlisle, PA 17013
Upper Allen Township Cumberland County	PAR10H285	Alex Ororbia Weis Markets, Inc. 1000 Second Street Sunbury, PA 17801	Yellow Breeches Creek (CWF)	Cumberland County Conservation District 43 Brookwood Avenue Suite 4 Carlisle, PA 17013
Lower Allen Township Cumberland County	PAR10H282	Christian Life Assembly Church 2645 Lisburn Road Camp Hill, PA 17011	Cedar Run (CWF)	Cumberland County Conservation District 43 Brookwood Avenue Suite 4 Carlisle, PA 17013
Shippensburg Borough Cumberland County	PAR10H284	American Legion Post 223 8200 Newburg Road Newburg, PA 17240	Middle Spring Sykeman Spring (CWF)	Cumberland County Conservation District 43 Brookwood Avenue Suite 4 Carlisle, PA 17013
Swatara Township Dauphin County	PAR10I285	Summit View South Highland Ridge McNaughton Company 4400 Deerpath Rd., Suite 201 Harrisburg, PA 17111	Swatara Creek (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Derry Township Dauphin County	PAR10I294	Hershey Food Corp. 19 E. Chocolate Avenue Hershey, PA 17033 and SUITT Construction Co. 2300 Rexwoods Drive Suite 100 Raleigh, NC 27602	Spring Creek East (WWF) Swatara Creek (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Susquehanna Township Dauphin County	PAR10I1891	Latchmere Hills McNaughton Company 4400 Deerpath Road Suite 201 Harrisburg, PA 17110	Spring Creek (CWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Northumberland County Riverside Borough	PAR104947	Merck & Co. Inc. East Entrance Renovations P. O. Box 0600 Danville, PA 17821	Susquehanna River WWF	Northumberland County Conservation District R. R. 3, Box 238C Sunbury, PA 17801 (570) 286-7114 Ext. 4
Allegheny County Springdale Township	PAR10A3972	Allegheny Energy Supply Company LLC 4350 Northern Pike Monroeville, PA 15146	Allegheny River WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County Ohio Township Kilbuck Township	PAR10A552	Ohio Township Sanitary Authority 1719 Roosevelt Road Pittsburgh, PA 15237	Lowries Run WWF	Allegheny County Conservation District (412) 241-7645
Allegheny County South Park Township	PAR10A558	Wadwell Group 122 Cedar Lane McMurray, PA 15137	Lick Run TSF	Allegheny County Conservation District (412) 241-7645
Allegheny County Collier Township	PAR10A554	M&M Diversified 110 South Main Street Pittsburgh, PA 15220	Thoms Run TSF	Allegheny County Conservation District (412) 241-7645
Beaver County Center Township	PAR1002542	Herbert Besendorfer Ardex, Inc. 400 Ardex Park Drive Aliquippa, PA 15001	Raccoon Creek WWF	Beaver County Conservation District (724) 774-7090
Beaver County Center Township	PAR100294	Sam and Eli Rebich R. D. 2, Box 74 Aliquippa, PA 15001	Alcorn Run WWF	Beaver County Conservation District (724) 774-7090
Washington County Smith Township	PAR10W203	Guida Land Development 1229 Pennsylvania Ave. Weirton, WV 26062	Raccoon Creek WWF	Washington County Conservation District (724) 228-6774
Lawrence County City of New Castle	PAR103749	Marie Pisano New Castle School District 420 Fern Street New Castle, PA 16101	Neshannock Creek TSF	Lawrence County Conservation District (724) 652-4512
Mercer County Hempfield Township	PAR104374	James Adzima Mystic Landing, LP 7013 Atlantic Lake Road Hartstown, PA 16131	Mathay Run WWF	Mercer County Conservation District (724) 662-2242
Mercer County Hempfield Township	PAR104375	Gordon K. Greenlee Greenlee Enterprises 508 Methodist Road Greenville, PA 16125	Saul Run WWF Mathay Run WWF	Mercer County Conservation District (724) 662-2242
<i>General Permit Type—PAG-3</i>				
<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
York County Conewago Township	PAR803653	American Freightways P. O. Box 840 Harrison, AR 72601	Conewago Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County Spring Garden Town- ship	PAR143522	Yorktowne Paperboard Corp. P. O. Box 2426 York, PA 17405	Mill Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

## NOTICES

2019

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Bradford Township Clearfield County	PAR214817	Glen-Gery Corporation Bigler Plant P. O. Box 338 Bigler, PA 16825	Roaring Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
Upper Fairfield Township Lycoming County	PAR224825	Lauchle Lumber 1119 Clarence Fry Rd. Montoursville, PA 17754	UNT to Mill Creek TSF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
Milton Borough Northumberland County	PAR804838	New Penn Motor Express, Inc. Milton Terminal 130 Sodom Road Milton, PA 17847	UNT to West Branch Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666

*General Permit Type—PAG-4*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Locust Township Columbia County	PAG044944	Bruce T. Bittner 131 Picnic Grove Road Catawissa, PA 17820	Unnamed tributary to Lick Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
Sharon Township Potter County	PAG044948	James Salada R. D. 2, Box 50 Shinglehouse, PA 16748	Unnamed tributary to Horse Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Plum Borough Allegheny County	PAG046252	John Louis Cosentino 3827 Sardis Road Pittsburgh, PA 15239	UNT to Little Plum Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-5*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
McCandless Township Allegheny County	PAG056172	Sunoco Inc. 5733 Butler Street Pittsburgh, PA 15201	UNT to Little Pine Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000



<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
North Beaver Township Lawrence County	PAG058343	J. J. Kennedy Petroleum Products P. O. Box 159 Petersburg, OH 44544-0159	Unnamed tributary to Hickory Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of Butler Butler County	PAG058342	Agway Energy Products, Inc. P. O. Box 4852 Syracuse, NY 13221	Connoquenessing Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-10*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Perry County Jackson Township (Perulack Pipe Line)	PAG103513	Texas Eastern Transmission Corp. 5400 Westheimer Court Houston, TX 77056	UNT Shermans Creek/ 7-A /HQ-CWF and UNT Horse Valley Run/12-B/HQ-CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Pike Township (Bernville Pipe Line)			Pine Creek/3-D/CWF and UNT to West Branch Perkiomen Creek/3-E/CWF	

**PUBLIC WATER SUPPLY PERMITS**

The Department of Environmental Protection has taken the following actions on applications received under the Safe Drinking Water Act for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**SAFE DRINKING WATER****Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).**

*Southeast Region: Water Supply Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**Operations Permit** issued to **Nottingham Towers Apartments**, 1150213 East Nottingham Township, **Chester County** on April 8, 2002, for the operation of facilities approved under Construction Permit #1500507.

**Permit No. 0902501, Minor Amendment.** Public Water Supply.

Applicant	<b>Borough of Doylestown</b> 57 W. Court Street Doylestown, PA 18901
Borough	Doylestown
County	<b>Bucks</b>
Type of Facility	PWS
Consulting Engineer	CKS Engineers, Inc. 88 S. Main Street Doylestown, PA 18901
Permit to Construct Issued	April 9, 2002

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 7220045, Minor Amendment,** Public Water Supply.

Applicant	<b>Borough of Royalton</b>
Municipality	Royalton Borough
County	<b>Dauphin</b>
Type of Facility	Operation of the distribution system improvement in the 2nd Ward.
Consulting Engineer	Robert E. Shaffer, P.E. Gannett Fleming, Inc. P. O. Box 67100 Harrisburg, PA 17106-7100
Permit to Operate Issued	March 27, 2002

**Permit No. 2200508 MA, Minor Amendment,** Public Water Supply.

Applicant **Gratz Borough Water Authority**  
 Municipality Gratz Borough  
 County **Dauphin**  
 Type of Facility Operation of a soda ash chemical feed system for pH/alkalinity adjustment for LCR corrosion control treatment.

Consulting Engineer Max E. Stoner, P.E.  
 Glace Associates, Inc.  
 3705 Trindle Rd.  
 Camp Hill, PA 17011

Permit to Operate March 12, 2002  
 Issued

**Permit No. 0502501 MA, Public Water Supply.**

Applicant **Evitts Creek Water Company City of Cumberland, MD**  
 Municipality Cumberland Valley Township  
 County **Bedford**  
 Type of Facility Installation of a belt filter press and the conversion of the existing Krofta DAF units into sludge holding/thickening tanks.

Consulting Engineer Steven H. Greenberg, P. E.  
 KLH Engineers Inc.  
 5173 Campbells Run Road  
 Pittsburgh, PA 15205

Permit to Construct March 26, 2002  
 Issued

*Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit No. 0801502, Public Water Supply.**

Applicant **New Albany Borough**  
 P. O. Box 67  
 New Albany, PA 18833  
 Township Albany Township  
 County **Bradford**  
 PWSID 2080010  
 Type of Facility PWS—approval to operate Well #2 with sodium hypochlorite disinfection and polyphosphate sequestration

Permit to Operate April 9, 2002  
 Issued

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Operations Permit issued to Harrison Township Water Authority, 1705 Rear Freeport Road, Natrona Heights, PA 15065, PWSID 5020108, Harrison Township, Allegheny County on April 5, 2002, for the operation of facilities approved under Construction Permit 0201506.**

**Permit No. 6302501, Minor Amendment. Public Water Supply.**

Applicant **Pennsylvania American Water Company**  
 800 West Hersheypark Drive  
 Hershey, PA 17033

(Borough or Township) Union Township  
 County **Washington**  
 Type of Facility Tank  
 Permit to Construct April 5, 2002  
 Issued

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a).**

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Plan Location:**

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Bratton Township	140 Mountain Lane McVeytown, PA 17051	Mifflin

**Plan Description:** The plan proposes revisions to the township's April 1995 Act 537 Plan that was approved on March 7, 1997. The approved plan provides for the construction of a sanitary sewer force main and pump station to convey sewage flow from the Mattawana subsection to the proposed Longfellow wastewater treatment facility. This constitutes a change from the 1995 plan that proposed to convey sewage flow from Mattawana to McVeytown for treatment. The plan also provides for a revised location for the Longfellow facility from that which was proposed in the 1995 plan and revised cost estimates, user rates and implementation schedule. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

**Plan Location:**

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Monaghan Township	202 South York Road York, PA 17019	York

**Plan Description:** The approved plan provides for the adoption and implementation of an onlot sewage disposal system management ordinance, a holding tank ordinance, a small-flow treatment facility ordinance and a well drillers ordinance. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Plan Location:**

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Bell Acres Borough	1153 Camp Meeting Road Sewickley, PA 15143	Allegheny

**Plan Description:** The approved plan provides for the installation of a single residence sewage treatment plant at 108 Hamilton Road, Sewickley, PA 15143 to resolve an existing onlot malfunction. The proposed discharge will be to a Township storm sewer inlet located along Bower Drive which discharges to a tributary of Little Sewickley

Creek. Little Sewickley Creek is designated in 25 Pa. Code Chapter 93 as a high quality watershed, therefore, social and economic justification has been provided. Any required NPDES permits or WQM permits must be obtained in the name of the municipality or property owner as appropriate. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 2

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**The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

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Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site where one of the Act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected.

For further information concerning the final report, contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

*Southeast Region: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**Holland Village Shopping Center—Holland Custom Cleaners**, Northampton Township, **Bucks County**. Alan R. Hirschfeld, Eastern, PA Environmental Consulting, Inc., 219 Laureen Rd., Schwenksville, PA 19473, on behalf of Realty Executives, 183 Bustleton Pk., Feasterville, PA, has submitted a Final Report concerning remediation of site groundwater contaminated with solvents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Ashland Chemical (Formerly American National Can)**, Falls Township, **Bucks County**. Brian I. Fitzpatrick, P.G., Harding ESE, 5205 Militia Hill Rd., Plymouth Meeting, PA 19462, has submitted a combined Remedial Investigation/Final Report concerning remediation of site groundwater contaminated with solvents. The report is intended to document remediation of the site to meet Site-Specific Standards.

**Former PPG Industries, Inc. and BASF Corp.**, Facility, Folcroft Borough, **Delaware County**. Russell D. Devan, P.G., Environmental Resources Management, Inc., 855 Springdale Dr., Exton, PA 19341, on behalf of Jarden Investments, LP, 1830 Columbia Ave., Folcroft, PA, has submitted a combined Remedial Investigation/Risk Assessment/Final Report concerning remediation of site soil and groundwater contaminated with lead, heavy metals, BTEX, solvents and pesticides. The report is intended to document remediation of the site to meet Statewide Health and Site-Specific Standards.

**Former Mock Dump Site**, Concord Township, **Delaware County**. J. Mark Chamberlain, P.G., 2067 Chestnut St., Nesco, NJ 08037, on behalf of Freehand H.J., Inc., 111 Hayesville Rd., Oxford, PA 19363, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with PCBs, lead, heavy metals, BTEX, PHCs, PAHs, solvents and pesticides. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Liquor Control Board Warehouse/Distribution Center**, City of Philadelphia, **Philadelphia County**. Daniel Richard, Quad Three Group, Inc., 116 N. Washington Ave., Scranton, PA 18503, on behalf of the Liquor Control Board, Northwest Office Building, Harrisburg, PA 17124, has submitted a Final Report concerning remediation of site soil contaminated with lead. The report is intended to document remediation of the site to meet the Statewide Health Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

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**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

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Provisions of 25 Pa. Code § 250.8, Administration of the Land Recycling and Environmental Remediation Standards Act (Act) requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Act. Plans and reports required by provisions of the Act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the

cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

*Southeast Region: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**New Council Rock High School**, Northampton Township, **Bucks County**. Jeffrey K. Walsh, P.G., Gilmore & Associates, Inc., 184 W. Main St., Trappe, PA 19426, on behalf of The Council Rock School District, Robert McAuliffe, P.E., Business Mgr., 301 Twining Ford Rd., Richboro, PA 18954, has submitted a Final Report concerning the remediation of site groundwater contaminated with lead, BTEX and petroleum hydrocarbons. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 29, 2002.

**Richard Valerio Property**, East Coventry Township, **Chester County**. Robert Carey, Lewis Environmental Group, P. O. Box 639, Royersford, PA 19468, on behalf of Richard Valerio, 1894 Old Schuylkill Rd., Spring City, PA 19475, has submitted a Final Report concerning remediation of site soil contaminated with lead. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 14, 2002.

**Olympic Motors Used Car Lot**, Ridley Township, **Delaware County**. Robert F. Murphy, RFM Environmental Consultants, 287 Peel Rd., Langhorne, PA 19047, on behalf of Lexis Lax, 1201 MacDade Blvd., Folsom, PA 19033 has submitted a Final Report concerning remediation of site soil contaminated with lead and BTEX. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 18, 2002.

**Dennis Fish, Landscape and Design Contractor**, Lower Salford Township, **Montgomery County**. Douglas G. Beaver, P.G., Rare Earth Environments, Inc., 501 Old Skippack Rd., P. O. Box 445, Lederach, PA 19450, on behalf of Dennis Fish, 501 Old Skippack Rd., Lederach, PA 19450, has submitted a Final Report concerning remediation of site soil contaminated with lead, BTEX and PAHs. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 21, 2002.

**Liberty Homes, Philadelphia, Inc.**, City of Philadelphia, **Philadelphia County**. Rodd W. Bender, Manko, Gold & Katcher, LLP, 401 City Ave., Suite 500, Bala Cynwyd, PA 19004, on behalf of Liberty Homes Philadelphia, Inc., One Reed St., Philadelphia, PA 19147, has submitted a Baseline Remedial Investigation Work Plan concerning proposed remediation of site soil contaminated with lead, heavy metals, BTEX, PAHs, MTBE and pentachlorophenol; and site groundwater contaminated with lead, heavy metals and solvents. The site will be

remediated to Special Industrial Area requirements. The Work Plan was approved by the Department on March 28, 2002.

**Action Manufacturing Company**, City of Philadelphia, **Philadelphia County**. Gloria G. Hunsberger, P.G., Powell-Harpstead, Inc., 800 E. Washington St., West Chester, PA 19380, on behalf of Action Manufacturing Co., 500 Bailey Crossroads, Atglen, PA 19319, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with BTEX and PAHs. The report demonstrated attainment of Statewide Health and Background Standards and was approved by the Department on March 13, 2002.

**Boulevard Plaza**, City of Philadelphia, **Philadelphia County**. David J. Russell, P.E., Earth Tech, Four Neshaminy Interplex, Suite 300, Trevoze, PA 19053, on behalf of Lebanon Pad, L.P., 442 Park Ave., Suite 302, New York, NY 10016, has submitted a Remedial Investigation Report/Risk Assessment Report and Cleanup Plan concerning remediation of site soil contaminated with lead; and groundwater contaminated with lead and solvents. The combined report was incomplete and disapproved by the Department on March 20, 2002.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**PPL Gas Utilities Corp. Blossburg—Canton Check B-9**, Blossburg Borough, **Tioga County**. North Penn Gas Company, 2 North 9th Street, Allentown, PA 18101 has submitted a Final Report concerning site soil contaminated with mercury. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 26, 2002.

**PPL Gas Utilities Corp. E. W. Close Well—TW204**, Farmington Township, **Tioga County**. North Penn Gas Company, 2 North 9th Street, Allentown, PA 18101 has submitted a Final Report concerning site soil contaminated with mercury. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 26, 2002.

**PPL Gas Utilities Corp. Penelec Sales B-5**, Covington Township, **Tioga County**. North Penn Gas Company, 2 North 9th Street, Allentown, PA 18101 has submitted a Final Report concerning site soil contaminated with mercury. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 26, 2002.

**PPL Gas Utilities Corp. Mansfield Check M-9**, Mansfield Borough, **Tioga County**. North Penn Gas Company, 2 North 9th Street, Allentown, PA 18101 has submitted a Final Report concerning site soil contaminated with mercury. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 26, 2002.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Caparo Steel Company (Former Boilerhouse Fuel Storage Areas (AOC-9))**, 15 Roemer Blvd., City of Farrell, Mercer County, Paul Wojciak, P.E. of Environmental Management Services, Suite 23, 10925 Perry Highway, Wexford, PA 15090 (on behalf of Caparo Steel Company) has submitted a Final Report concerning the remediation of Former Boilerhouse Fuel Storage Areas (AOC-9) contaminated with Lead, Heavy Metals, BTEX, PHCs and PAHs. The Final Report was approved. Final report demonstrated attainment of the standards and was approved by the Department on April 4, 2002.

## HAZARDOUS WASTE TRANSPORTER LICENSE

**Hazardous Waste Transporter License, actions taken under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471*

*Hazardous Waste Transporter License Expired*

**Environmental Specialists, Inc.**, 243 Marshall Road, McDonald, OH 44437. License No. **PA-AH 0587**. Effective March 31, 2002.

**US Liquids of Pennsylvania, Inc. d/b/a US Liquids**, 199 Clyde Street, Ellwood City, PA 16117. License No. **PA-AH 0651**. Effective March 31, 2002.

**Smith Systems Transportation, Inc.**, P. O. Box 2455, Scottsbluff, NE 69363-2455. License No. **PA-AH 0654**. Effective March 31, 2002.

**M.P. Environmental Services, Inc.**, 3400 Manor Street, Bakersfield, CA 93308. License No. **PA-AH 0585**. Effective March 31, 2002.

**Kuhnle Brothers, Inc.**, 14905 Cross Creek Drive, P. O. Box 375, Newbury, OH 44065. License No. **PA-AH 0655**. Effective March 31, 2002.

**Barbish Environmental Services Technology, Inc. d/b/a B.E.S.T.**, Route 22 East, P. O. Box 515, New Alexandria, PA 15670. License No. **PA-AH 0513**. Effective March 31, 2002.

**C. J. Langenfelder & Son, Inc.**, 8427 Pulaski Highway, P. O. Box 9606, Baltimore, MD 21237. License No. **PA-AH 0405**. Effective March 31, 2002.

## INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

**Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations to transport infectious and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

*Infectious and Chemotherapeutic Waste Transporter License Issued*

**The Cardinal Group, Inc.**, P. O. Box 542, Boyertown, PA 19512. License No. **PA-HC 0213**. Effective April 2002.

## OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Permit Revoked under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southeast Region: Regional Solid Waste Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**Permit No. 400627. Jennersville Regional Hospital**, 1015 West Baltimore Pike, West Grove, PA 19390. Permit revocation requested for a closed hospital waste incinerator, formerly known as Southern Chester County Medical Center, located in Penn Township, **Chester County**. Upon revocation action becoming final, the bond for the waste permit will be released. The permit was revoked by the Southeast Regional Office on April 9, 2002.

## AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702*

**GP1-21-03056: Carlisle Regional Medical Center** (246 Parker Street, Carlisle, PA 17013-3618) on April 1, 2002, was authorized to operate two small gas and No. 2 oil fired combustion units under GP1 in Carlisle Borough, **Cumberland County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Devendra Verma, New Source Review Chief, (814) 332-6940*

**42-199: IA Construction—Wayne Quarry** (Route 44, Shinglehouse, PA 16748) on March 31, 2002, for operation of a portable mineral processing plant in Ceres Township, **McKean County**.

**Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Thomas McGinley, New Source Review Chief, (610) 832-6242*

**23-0006D: Foamex LP** (1500 East Second Street, Eddystone, PA 19022) on April 3, 2002, for operation of a thermal reticulator in Eddystone Borough, **Delaware County**.

**23-0006D: Foamex LP** (1500 East Second Street, Eddystone, PA 19022) on April 8, 2002, for operation of a thermal reticulator in Eddystone Borough, **Delaware County**.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790; Contact: James Parette, New Source Review Chief, (570) 826-2531.*

**40-303-013A: Barletta Materials and Construction Inc.** (East Broad Street, P. O. Box 550, Tamaqua, PA 18252) on March 12, 2002, for modification of a batch asphalt plant and associated air cleaning device along Route 924 in Hazle Township, **Luzerne County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: David Aldenderfer, Program Manager, (570) 327-3637.*

**18-00005B: Dominion Transmission Corp.** (625 Liberty Avenue, Pittsburgh, PA 15222) on March 1, 2002, for

installation of air cleaning devices (electronic fuel injection systems) on two 1,100 horsepower natural gas-fired reciprocating internal combustion compressor engines (Engines 1 and 2) at the Finnefrock Compressor Station in Leidy Township, **Clinton County**.

**12-399-017: Pennsylvania Sintered Metals, Inc. d/b/a BrownCo Powder Products** (P. O. Box 308, Emporium, PA 15834) on March 5, 2002, for construction of a powdered metal parts sintering furnace and associated air cleaning device (an in-stack afterburner) in Emporium Borough, **Cameron County**.

**17-309-024: Mt. Savage Specialty Refractories Co.** (P. O. Box 60, Curwensville, PA 16833) on March 5, 2002, for reactivation of a refractories manufacturing facility and associated air cleaning devices (nine fabric collectors and an Entoleter scrubber) in Pike Township, **Clearfield County**.

**49-00001A: Mt. Carmel Cogeneration, Inc.** (Marion Heights Road, Marion Heights, PA 17832) on March 5, 2002, for construction of an anthracite culm processing plant and associated air cleaning devices (eight fabric collectors) in Mt. Carmel Township, **Northumberland County**. The culm processing plant will be subject to Subpart Y of the Federal Standards of Performance for New Stationary Sources.

**55-00001A: Sunbury Generation, LLC** (1088 Springhurst Drive, Green Bay, WI 54304) on March 14, 2002, for installation of air cleaning devices (low NOx retrofits consisting of low NOx burners, over-fire air and boundary air) on four 38 megawatt anthracite coal arch-fired electric utility boilers (Units 1A, 1B, 2A and 2B) in Shamokin Dam Borough, **Snyder County**.

**53-329-011: Tennessee Gas Pipeline Co.** (9 Greenway Plaza, 1626B Huston, TX 77046) on March 29, 2002, for construction of a natural gas booster station incorporating two 2,365 horsepower natural gas-fired reciprocating internal combustion compressor engines and a 250 horsepower natural gas-fired reciprocating internal combustion engine/generator in Genesee Township, **Potter County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: William Charlton, New Source Review Chief, (412) 442-4174.*

**32-348A: DLR Mining, Inc.** (R. D. Box 3, Box 115-A, Indiana, PA 15701) on March 27, 2002, for installation of a coal crushing, cleaning, storage facility at Nolo Deep Mine in Buffington Township, **Indiana County**.

**63-00650A: Goldschmidt Industrial Chemical Corp.** (941 Robinson Highway, McDonald, PA 15057) on March 27, 2002, for installation of a 6,000 gallon reactor at the McDonald Plant in Robinson Township, **Washington County**.

**26-00537A: Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) on March 27, 2002, for installation of a portable crusher at Knopsnider Mine in Saltlick Township, **Fayette County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Thomas McGinley, New Source Review Chief, (610) 832-6242.*

**46-0210: Cellco Partnership d/b/a Verizon** (5175 Campus Drive, Plymouth Meeting, PA 19462) on April 3, 2002, for operation of a 600 kW diesel generator in Whitemarsh Township, **Montgomery County**.

**46-0169A: H and N Packaging, Inc.** (92 County Line Road, Colmar, PA 18915) on April 3, 2002, for operation of an ink room in Hatfield Township, **Montgomery County**.

**15-0085A: Lincoln University** (1570 Baltimore Pike, Lincoln University, PA 19352) on April 8, 2002, for operation of two boilers in Lower Oxford Township, **Chester County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.*

**36-310-013E: Compass Quarries, Inc.** (47 McIlvaine Road, Paradise, PA 17562) on March 30, 2002, for modification of an existing stone crushing plant at the Paradise Quarry facility in Paradise Township, **Lancaster County**. This source is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. This plan approval was extended.

**36-310-023F: Compass Quarries, Inc.** (47 McIlvaine Road, Paradise, PA 17562) on March 30, 2002, for modification of an existing agricultural limestone pulverizing plant at the Paradise Quarry facility in Paradise Township, **Lancaster County**. This source is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. This plan approval was extended.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: David Aldenderfer, Program Manager, (570) 327-3637*

**18-00011A: Croda, Inc.** (P. O. Box 178, Mill Hall, PA 17751) on March 14, 2002, to extend authorization to operate 15 VOC-containing storage tanks on a temporary basis until July 12, 2002, in Bald Eagle Township, **Clinton County**.

**55-302-005B: Wood-Mode, Inc.** (1 Second Street, Kreamer, PA 17833) on March 21, 2002, to extend authorization to operate a 10.2 million Btu per hour wood waste-fired boiler (Boiler 1) and associated air cleaning devices (two multiclones in series) on a temporary basis until July 19, 2002, in Middlecreek Township, **Snyder County**.

**55-302-005C: Wood-Mode, Inc.** (1 Second Street, Kreamer, PA 17833) on March 21, 2002, to extend authorization to operate a 32 million Btu per hour wood waste-fired boiler (Boiler 3) and associated air cleaning devices (two multiclones in series) on a temporary basis July 19, 2002, in Middlecreek Township, **Snyder County**.

**49-0013A: Sunbury Property, LLC, owner and Knight—Celotex, LLC, operator** (P. O. Box 267, Sunbury, PA 17801) on March 14, 2002, to extend authorization to operate a fiberboard dryer and associated air cleaning device (a regenerative thermal oxidizer) on a temporary basis until July 12, 2002, in the City of Sunbury, **Northumberland County**.

**08-318-027: Mill's Pride—Pennsylvania** (100 Lamoka Road, Sayre, PA 18840) on March 25, 2002, to extend authorization to operate a wood kitchen cabinet finishing line and associated air cleaning device (a thermal oxidizer), two wood-fired boilers and associated air cleaning devices (two dual stage mechanical collection

systems), various pieces of woodworking equipment and associated air cleaning devices (fabric collectors) and various other pieces of equipment on a temporary basis until July 23, 2002, in Athens Township, **Bradford County**.

**08-318-027A: Mill's Pride—Pennsylvania** (100 Lamoka Road, Sayre, PA 18840) on March 25, 2002, to extend authorization to operate a wood kitchen cabinet glazing line, the air contaminant emissions from which are controlled by a regenerative thermal oxidizer, on a temporary basis until July 23, 2002, in Athens Township, **Bradford County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: William Charlton, New Source Review Chief, (412) 442-4174.*

**65-302-071: Koppers Industries, Inc.** (436 Seventh Avenue, Pittsburgh, PA 15219) on April 2, 2002, for two boilers at the Monessen Coke Plant in Monessen, **Westmoreland County**. This plan approval was extended.

**04-700A: Mansell Industrial Services** (1755 Pennsylvania Avenue, Monaca, PA 15061) on April 2, 2002, for a rotary kiln dryer at the Industry Plant in Industry Borough, **Beaver County**. This plan approval was extended.

**65-817A: Hanson Aggregates PMA, Inc.** (400 Industrial Boulevard, New Kensington, PA 15068) on April 2, 2002, for a recycled asphalt pavement plant in Lower Burrell City, **Westmoreland County**. This plan approval was extended.

**26-00288D: Better Materials Corporation** (P. O. Box 187, Berkeley Springs, WV 25411) on April 2, 2002, for an asphalt plant in Connellsville Township, **Fayette County**. This plan approval was extended.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Devendra Verma, New Source Review Chief, (814) 332-6940.*

**10-285B: Waste Management Disposal Services of PA, Inc.—Northwest Sanitary Landfill** (1436 West Sunbury Road, West Sunbury, PA 16061) on March 30, 2002, for a flare system in Clay Township, **Butler County**.

**20-040C: Advanced Cast Products, Inc.** (18700 Mill Street, Meadville, PA 16335) on March 30, 2002, for an induction holding furnace in Vernon Township, **Crawford County**.

**25-0648A: NEPA Energy LP** (1095 Ackerman Road, North East, PA 16428) on March 31, 2002, for a boiler and low NOx burners in North East, **Erie County**.

**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.*

**01-03016: Dal-Tile Corp.** (211 North Fourth Street, Gettysburg, PA 17325) on April 1, 2002, for operation of its ceramic floor and wall tile products facility in Straban Township, **Adams County**.

**21-05039: Land O'Lakes, Inc.** (405 Park Drive, Carlisle, PA 17013) on April 4, 2002, for operation of the Carlisle milk drying and packaging plant in South Middleton Township, **Cumberland County**.

**29-03007: Mellott Wood Preserving Co., Inc.** (P. O. Box 209, Needmore, PA 17238-0209) on April 2, 2002, for operation of a wood treatment facility in Belfast Township, **Fulton County**.

**34-05003: Tedd Wood, Inc.** (P. O. Box 187, Thompsontown, PA 17094) on April 5, 2002, for operation of a wood cabinet manufacturing facility in Delaware Township, **Juniata County**.

**67-03063: Advanced Recycling Technology, Inc.** (340 South Broad Street, Hallam, PA 17406) on April 2, 2002, for operation of an industrial dryer controlled by a wet scrubber in Hallam Borough, **York County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: David Aldenderfer, Program Manager, (570) 327-3637.*

**14-309-044: Gensimore Trucking, Inc.** (P. O. Box 5210, Bellefonte, PA 16823) on March 5, 2002, for operation of a bulk cement blending facility and associated air cleaning devices (two fabric collectors) in Spring Township, **Centre County**.

**59-301-020: Jacquelyn A. Buckheit Funeral Chapel, Crematory and Monuments, P.C.** (637 South Main Street, Mansfield, PA 16933) on March 12, 2002, for operation of a crematory incinerator in Richmond Township, **Tioga County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.*

**25-00891: Corry Contract, Inc.** (21 Maple Avenue, Corry, PA 16407) on March 26, 2002, for a Synthetic Minor Operating Permit in Corry, **Erie County**.

**37-00185: Universal Refractories, Inc.** (915 Clyde Street, Wampum, PA 16157) on March 28, 2002, for a Natural Minor Operating Permit for a refractory manufacturing facility and a magnesium oxide processing line in Wampum Borough, **Lawrence County**.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Edward Braun, Chief, (215) 685-9476.*

**97-007: I.C.S. Corp.** (2225 Richmond Street, Philadelphia, PA 19125) on April 9, 2002, for a printing and mailing facility in the City of Philadelphia, **Philadelphia County**. The natural minor facility's air emission sources include three nonheatset web offset lithographic printing presses.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: David Aldenderfer, Program Manager, (570) 327-3637.*

**14-313-039: Rutgers Organics Corp.** (201 Struble Road, State College, PA 16801-7499) on April 3, 2002, to authorize minor equipment changes and the addition of acidic waste neutralization and xylene wash steps to a chemical process (Product 9001) in College Township, **Centre County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.*



**33-00033: Owens Brockway Glass Container, Inc.—Plant 18** (Cherry Street, Brockway, PA 15824) for a minor operating permit modification of Title V Operating Permit No. 33-00033 at the glass plant in Brockway Borough, **Jefferson County**. The minor operating permit modification was performed to incorporate a number of changes in equipment configurations at the facility into the permit. The facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments due to the facility's potential to emit Carbon Monoxide and Nitrogen Oxides. The facility is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

**24-00009: Williamette Industries, Inc.** (100 Center Street, Johnsonburg, PA 15845) administratively amended their Title V Operating Permit to include conditions from Plan Approval 24-315-007A for an alternate operating scenario for venting of the NCGs to the lime kiln at its Johnsonburg Mill in Johnsonburg Borough, **Mercer County**. The Title V Operating Permit was originally issued on September 5, 2000, and amended on November 2, 2000.

**37-00013: Cemex, Inc.** (2001 Portland Park, Wampum, PA 16157) administratively amended their Title V Operating Permit to incorporate the newly applicable requirements from Plan Approvals 37-0013C and 37-0013D for their facility in Wampum Borough, **Lawrence County**.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21).** The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

### Coal Permits Actions

*Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982, (724) 925-5500.*

**26910107 and NPDES Permit No. PA0592170. Theodore R. Genovese II Coal Co.** (Box 360, Chalk Hill, PA 15421). Permit renewal issued for continued reclamation only of a bituminous surface/auger-mining site located in German Township, **Fayette County**, affecting 89.3 acres. Receiving streams: unnamed tributary to Dunlap Creek. Application received January 2, 2002. Renewal issued April 2, 2002.

**26920105 and NPDES Permit No. PA0203483. Twilight Industries, Division of U.S. Natural Resources, Inc.** (212 State Street, Belle Vernon, PA 15012). Permit renewal issued for continued reclamation only of a bitu-

minous surface mining site located in Jefferson Township, **Fayette County**, affecting 157.0 acres. Receiving streams: unnamed tributaries to Washington Run and unnamed tributaries to Little Redstone Creek. Application received January 15, 2002. Renewal issued April 3, 2002.

**03010105 and NPDES Permit No. PA0250007. Black Ridge Associates, Inc.** (R. D. 7, Box 375B, Kittanning, PA 16201). Application for commencement, operation and reclamation bituminous surface mine located in Sugarcreek Township, **Armstrong County**, proposed to affect 217.2 acres is hereby cancelled. Receiving streams: unnamed tributaries to Buffalo Creek and Patterson Creek. Application received August 13, 2001. Application cancelled: April 4, 2002.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**56823143 and NPDES Permit No. PA0605841. Croner, Inc.,** P. O. Box 260, Friedens, PA 15541. Permit renewal for continued operation of a bituminous surface mine and for existing discharge of treated mine drainage in Quemahoning Township, **Somerset County**, affecting 202.0 acres. Receiving streams: unnamed tributaries to Beaverdam Creek and Beaverdam Creek classified for the following uses: HQ-CWF. The first downstream potable water supply intake from the point of discharge is Cambria-Somerset Water Authority—Border Dam. Application received January 18, 2002. Permit issued April 2, 2002.

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191.*

**33010104 and NPDES Permit No. PA0241997. McKay Coal Company, Inc.** (R. D. 2, Box 35C, Templeton, PA 16259) Commencement, operation and restoration of a bituminous strip operation in Clover Township, **Jefferson County** affecting 29.5 acres. Receiving streams: unnamed tributary to Runaway Run. Application received October 16, 2001. Permit Issued April 1, 2002.

**1554-33010104-E-1. McKay Coal Company, Inc.** (R. D. 2, Box 35C, Templeton, PA 16259) Application for a stream encroachment to construct and maintain a haul road crossing over unnamed tributary No. 2 to Runaway Run in Clover Township, **Jefferson County**. Receiving streams: unnamed tributary to Runaway Run. Application received October 16, 2001. Permit Issued April 1, 2002.

### Noncoal Permits Actions

*Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209, (814) 342-8200.*

**08010824. John Heeman,** R. R. 2 Box 273, Wyalusing, PA 18853. Commencement, operation and restoration of a small industrial minerals (flagstone) permit in Warren Township, **Bradford County** affecting 2 acres. Receiving streams: unnamed tributary, tributary to Wappasening Pendleton Creek. Application received November 14, 2001. Permit issued March 25, 2002.

*Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982, (724) 925-5500.*

**3372SM25A and NPDES Permit No. PA0591963. Better Materials Corporation** (2200 Springfield Pike, Connellsville, PA 15425). Transfer of permit formerly issued to Commercial Stone Co., Inc. for continued operation and reclamation of a large noncoal surface mining



site located in Bullskin Township, **Fayette County**, affecting 451.8 acres. Receiving streams: unnamed tributaries to Polecat Hollow Run and Breakneck Run. Application received August 10, 2001. Transfer permit issued April 1, 2002.

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191.*

**20020801. Joseph M. Wienczek** (15485 Linesville Road, Linesville, PA 16424) Commencement, operation and restoration of a small noncoal sand and gravel operation in Conneaut Township, **Crawford County** affecting 5.0 acres. Receiving streams: Linesville Creek. Application received January 31, 2002. Permit Issued April 1, 2002.

#### ABANDONED MINE RECLAMATION

*Cambria Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, (814) 472-1800.*

Bond Forfeiture	BF 471-101.1
Contract Awarded	
Location	Nucoal, Inc. Dunbar Township Fayette County
Description	Abandoned Mine Land Reclamation
Contractor	J & J Svonavec Excavating
Amount	\$43,850
Date of Award	April 4, 2002

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151—161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

#### *Blasting Permits Actions*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.*

**46024013. Rock Work, Inc.** (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting in East Norriton Township, **Montgomery County** with an expiration date of August 19, 2002. Permit issued April 1, 2002.

**46024015. Labrador Construction** (P. O. Box 1379, Marshalls Creek, PA 18335), construction blasting in Upper Pottsgrove Township, **Montgomery County** with an expiration date of May 26, 2002. Permit issued April 1, 2002.

**46024016. Labrador Construction** (P. O. Box 1379, Marshalls Creek, PA 18335), construction blasting in Perkiomen Township, **Montgomery County** with an expiration date of May 29, 2002. Permit issued April 1, 2002.

**46024017. American Rock Mechanics** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting in New Hanover Township, **Montgomery County** with an expiration date of January 31, 2003. Permit issued April 1, 2002.

**46024018. Brubacher Excavating, Inc.** (825 Reading Road, Bowmansville, PA 17507), construction blasting in

Skippack Township, **Montgomery County** with an expiration date of May 1, 2003. Permit issued April 1, 2002.

**46024019. Allan A. Myers, L.P.** (P. O. Box 98, Worcester, PA 19490), construction blasting in Montgomery Township, **Montgomery County** with an expiration date of July 2, 2002. Permit issued April 1, 2002.

**23024004. Allan A. Myers, L.P.** (P. O. Box 98, Worcester, PA 19490), construction blasting in Newtown Township, **Delaware County** with an expiration date of May 11, 2002. Permit issued April 1, 2002.

**66024001. Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting in Mehoopany Township, **Wyoming County** with an expiration date of April 30, 2002. Permit issued April 1, 2002.

*Hawk Run District Mining Office: Empire Road, P. O. Box 209, Hawk Run, PA 16840-0209, (814) 342-8200.*

**14024005. Glenn O. Hawbaker, Inc.**, 1952 Waddle Road, P. O. Box 135, State College, PA 16804-0135, for construction blasting, located in Patton and College Townships, **Centre County** with an expected duration of 120 days. Permit issued April 2, 2002.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

#### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)).

Except as otherwise noted, the Department certifies that the construction and operation herein described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State Water Quality Standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501–508 and 701–704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1–693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law (35 P.S. §§ 691.1–691.702) and Notice of Final Action for Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).** (Note: Water Obstruction and Encroachment Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

#### *Permits Issued and Actions on 401 Certifications:*

#### **WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**E54-285. Tamaqua Industrial Development Enterprises**, 14 Lissa Lane, Sugarloaf, PA 18249. Rush Township, **Schuylkill County**, Army Corps of Engineers Philadelphia District.

To place fill in 0.67 acre of wetlands within the Nesquehoning Creek watershed for the purpose of developing Lots 16–20, 29 and 38 of the Tidewood East Industrial Park. The permittee is required to provide 0.67 acre of replacement wetlands. The project is located on the east side of S.R. 0309, approximately 0.8 mile north of the intersection of S.R. 0309 and S.R. 0054. (Tamaqua, PA Quadrangle N: 15.2 inches; W: 14.5 inches).

**E40-568. Jacob Apaliski**, R. R. 1, Box 297, Harveys Lake, PA 18618. Harveys Lake Borough, **Luzerne County**, Army Corps of Engineers Baltimore District.

To construct and maintain a pile-supported dock, extending approximately 40 feet from the shoreline, in Harveys Lake. The dock is "L-shaped" with a total areal coverage of approximately 1,024 square feet. The project includes the placement of 1,088 square feet of gravel, 4 inches in depth, on either side of the structure, to mitigate for shallow water impacts. The project is located

at Pole No. 49, along Lakeside Drive (S.R. 0415). (Harveys Lake, PA Quadrangle N: 21.1 inches; W: 5.5 inches).

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**E28-294. Falling Spring Greenway, Incorporated**, 8903 Flagstone Circle, Randallstown, MD 21133 in Guilford Township, **Franklin County**, ACOE Baltimore District.

To construct and maintain a stream restoration project in Falling Spring Branch (HQ-CWF) watershed. The project's purpose is to stabilize stream banks, improve sediment transport, create additional floodplain wetlands and improve aquatic habitat. The watershed project will implement a natural stream channel design approach. Construction activities to be utilized include various instream rock structures (roller rock eddies, converging rock clusters, double wing deflectors, boulder vanes and root wads), channel fill, sod matting, live staking and riparian buffer plantings. The project activities will take place in Guilford Township, Franklin County.

The initial phase of the project consists of 2,980 linear foot section called Quarry Meadow site. The Falling Spring Greenway, Inc. is proposing to construct and maintain a stream restoration project within the channel of Falling Spring Branch (HQ-CWF) between Edwards Avenue and Quarry Road (Chambersburg, PA Quadrangle N: 8.1 inches; W: 0.39 inch) in Guilford Township, Franklin County. The applicant is proposing various instream structures including roller eddies, converging rock clusters, double wing deflectors and root wads and channel fill throughout this reach. During this project, there will be 1.96 acres of temporary wetland impacts and 1.33 acres of vegetated wetland created.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**E17-366. Department of Transportation, Engineer District 2-0**, P. O. Box 342, Clearfield, PA 16830. SR 2011, Section A01 Bridge Replacement, in Bigler Township, **Clearfield County**, ACOE Baltimore District (Ramey, PA Quadrangle N: 16.9 inches; W: 3.1 inches).

To remove an existing structure and to construct, operate and maintain a precast, reinforced concrete box culvert to carry SR 2011, Section A01, across Upper Morgan Run (CWF) for improved public roadway. The public road crossing shall have a minimum waterway opening of 10-feet (span), 6.5-feet (rise), 40-feet (length) and skew of 60-degrees. The box culvert shall be depressed 1.0-foot. Installation of the box culvert shall occur at stream low flow. The project is located along the western right-of-way of SR 0053 approximately 1.1-miles west of SR 2011 and SR 0053 intersection in Bigler Township, Clearfield County. The permit also authorizes the construction, operation, maintenance and removal of temporary road crossings, stream diversions and cofferdams. Upon completion of the construction project, all temporary structures shall be removed, disturbed areas restored to original contours and elevations and stabilization applied. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E19-225. H. H. Knoebel and Sons**, P. O. Box 317, Route 487, Elysburg, PA 17824. Park Ride, in Cleveland Township, **Columbia County**, ACOE Baltimore District (Danville, PA Quadrangle N: 0.65 inch; W: 0.30 inch).

To remove the existing waterslide amusement ride and to construct and maintain a waterslide amusement ride

at the same site in the floodway of Mugser Run near the pool and roller coaster ride in Knoebels Grove off SR 487 in Cleveland Township, Columbia County. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E41-499. Loyalsock Township.** 2501 East Third Street, Williamsport, PA 17701. Miller Run Stream Restoration in Loyalsock Township, **Lycoming County**, ACOE Baltimore District (Montoursville, PA Quadrangle N: 1.5 inches; W: 13.25 inches).

To construct, operate and maintain a habitat improvement project along 915 linear feet of Miller Run. This permit authorizes two "cross vane" structures, two "J-hook" structures, a "vortex rock weir" and a "rock vane." This permit also authorizes channel realignments located between stations 2+00—5+00 and 6+00—8+00, in addition to stream bank adjustments throughout the entire reach. The project is located in Bruce Henry Park.

**E53-371. Department of Transportation, Engineer District 2-0.** P. O. Box 342, Clearfield, PA 16830. SR 1009, Section A01 Bridge Replacement, in Ulysses Township, **Potter County**, ACOE Pittsburgh District (Ulysses, PA Quadrangle N: 6.48 inches; W: 7.56 inches).

To remove an existing structure and to construct, operate and maintain a precast, reinforced concrete box culvert to carry SR 1009, Section A01, across Ludington Run for improved public roadway. The public road crossing shall have a minimum waterway opening of 23-feet (span), 8.5-feet (rise), 31-feet (length) and skew of 74-degrees. The box culvert shall be depressed 1.0-foot. Installation of the box culvert shall be completed during stream low flow and dry work conditions by fluming or dams and pumping stream flow around the work area. The project is located along the western right-of-way of SR 0049 approximately 1-mile west of SR 1009 and SR 0049 intersection. The permit also authorizes the construction, operation, maintenance and removal of temporary road crossings, stream diversions and cofferdams. Upon completion of the construction project, all temporary structures shall be removed, disturbed areas restore to original contours and elevations and stabilization applied.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E02-1366. Allegheny County Department of Public Works.** 501 County Office Building, 542 Forbes Avenue, Pittsburgh, PA 15219-2951. Upper St. Clair Township, **Allegheny County**, ACOE Pittsburgh District.

To operate and maintain a 167 foot retaining wall along the left bank of Painter's Run (WWF) constructed under Emergency Permit No. EP0201204. The project is located along the north side of Painters Run Road approximately 1/2 mile east of its intersection with Bower Hill Road (Bridgeville, PA Quadrangle N: 20.2 inches; W: 11.0 inches).

**E04-274. Bet-Tech International, Inc.,** 3468 Brodhead Road, Monaca, PA 15061. Center Township, **Beaver County**, ACOE Pittsburgh District.

To construct and maintain a barge docking facility consisting of a 1,125 feet long sheet pile wall along the left bank of the Ohio River (WWF) for an existing slag/gravel/aggregates mining parcel. The project is located near River Mile 21.0 (Baden, PA Quadrangle N: 4.4 inches; W: 16.3 inches). This permit also authorizes construction of an instream mitigation area along the left

bank of the Ohio River at the mouth of Ellehorn Run near River Mile 22.7 (Beaver, PA Quadrangle N: 8.7 inches; W: 1.1 inches).

**E26-194-A3 Consol Docks, Inc.** Consol Plaza, 1800 Washington Road, Pittsburgh, PA 15241-1421. Luzerne Township, **Fayette County**, ACOE Pittsburgh District.

To reissue Permit No. E26-194 which authorized the construction and maintenance of a barge docking and mooring facility consisting of 28 river cells and 1 ice breaker cell, 1 pier, 2 floating docks, 3 outfall structures, dredging 100,000 cubic yards of the Monongahela River for a length of 5,500 feet, periodic maintenance dredging, placement and maintenance of fill in 0.42 acre of wetlands and regarding along the right bank of said stream to operate a coal transfer facility beginning at Mile Point 58.1 to 59.3. This request has been approved and Permit No. E26-194 is hereby reissued and extended to December 31, 2007 (California, PA Quadrangle N: 2.1 inches; W: 7.5 inches).

**E32-438. Department of Transportation, Engineering District 10-0.** P. O. Box 429, Indiana, PA 15701. Burrell and Center Townships, **Indiana County**, ACOE Pittsburgh District.

Giving its consent to remove the existing structures and to construct and maintain the following structures and activities as part of the S.R. 0119, Section 496, Indiana South Improvement Project:

1. To extend and maintain an existing 3,000-mm x 2,400-mm, 22-meter long reinforced concrete arch culvert for 5.0 meters up stream and 11.0 meters downstream in Weirs Run (CWF). Also to construct and maintain a 3,000-mm x 2,700-mm, 16-meter long reinforced concrete box culvert in Weirs Run (CWF). The invert will be depressed 0.3-meter. This culvert is located on Divinney Hollow Road. Also to relocate and maintain 120 meters of Weirs Run (CWF), Station 112 + 638 in Burrell Township (Bolivar, PA Quadrangle N: 15.6 inches; W: 11.2 inches).

2. To operate and maintain a 1,800-mm x 1,600-mm, 60-meter long reinforced concrete arch culvert in an unnamed tributary to Blacklick Creek (CWF), Station 113 + 760 in Burrell Township (Bolivar, PA Quadrangle N: 17.2 inches; W: 10.3 inches).

3. To construct and maintain a 3-span prestressed concrete bridge having two spans at 30.32 meters and one span at 35.81 meters and a minimum underclearance of 6.77 meters over Blacklick Creek (TSF). Also, to construct and maintain temporary causeways and cofferdams for pier construction in Blacklick (TSF), Station 115 + 100 to 115 + 200 in Burrell Township (Bolivar, PA Quadrangle N: 19.3 inches; W: 9.4 inches).

4. To extend and maintain an existing 1,500-mm diameter, 20-meter long reinforced concrete pipe for 15 meters downstream in an unnamed tributary to Two Lick Creek (CWF), Station 115 + 900 in Burrell Township (Bolivar, PA Quadrangle N: 20.5 inches; W: 8.9 inches).

5. To construct and maintain a 3,300-mm x 2,700-mm, 52.0-meter long reinforced concrete box culvert in an unnamed tributary to Two Lick Creek (CWF). The invert will be depressed 0.3 meter. Also, to relocate and maintain 80 meters of said stream, Station 117 + 638.100 in Center Township (Bolivar, PA Quadrangle N: 22.4 inches; W: 6.8 inches).

6. To construct and maintain a 1,500-mm diameter, 60-meter long reinforced concrete pipe in an unnamed tributary to Two Lick Creek (CWF) and to relocate and maintain 94 meters of said stream, Station 119 + 334 to

119 + 428 in Center Township (Indiana, PA Quadrangle N: 2.0 inches; W: 5.5 inches).

7. To extend and maintain a 6,706-mm x 3,658-mm, 45-meter long reinforced concrete arch culvert for length of 15.65 meters upstream and 8.05 meters downstream in Tearing Run (CWF), Station 121 + 538 Center Township (Indiana, PA Quadrangle N: 5.5 inches; W: 4.5 inches).

8. To permanently place and maintain fill in 1.49 hectares of wetland (0.25 hectare PEM, 0.50 hectare PSS, 0.74 hectare PFO) and to temporarily place and maintain fill in 0.03 hectare of PEM/PSS wetland for the purpose of widening the highway. To compensate for wetland impacts, the applicant proposes constructing 4.11 hectares of replacement wetlands within the floodplains of Blacklick Creek (Indiana, PA Quadrangle N: 5.5 inches; W: 4.5 inches).

**E56-310. Somerset County Commissioners**, 300 North Center Avenue, Suite 500, Somerset, PA 15501-1428. Upper and Lower Turkeyfoot Townships, **Somerset County**, ACOE Pittsburgh District.

To operate and maintain the single span concrete arch bridge (Somerset County Bridge No. 68) having a clear span of 31 feet and an underclearance of 6.8 feet across Sandy Run (HQ-CWF). Bridge repair was authorized under Emergency Permit No. EP5601202 and completed on November 15, 2001. The repair consisted of underpinning and placement of a concrete toe wall and R-6 rock protection at the base of the arch and 15 LF upstream and down stream of the bridge. The bridge is located on T-318 (Sandy Run Road) at a point approximately 1.5 miles west of its intersection with T-320 (Kanaul Road) (Kingwood, PA Quadrangle N: 10.6 inches; W: 12.25 inches).

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**E25-640, Department of Transportation, District 1-0**, 255 Elm Street, P. O. Box 398, Oil City, PA 16301. S.R. 0099, Segment 0200, Offset 1965 across a tributary to Lamson Run, in McKean Township, **Erie County**, ACOE Pittsburgh District (Edinboro North, PA Quadrangle N: 15.4 inches; W: 1.8 inches).

To install reinforced concrete paving in the invert and to maintain the 140-foot long, 73-inch wide by 48-inch high waterway opening corrugated metal plate pipe arch stream enclosure in a tributary to Lamson Run on S.R. 0099, Segment 0200, Offset 1965 approximately 1.75 miles north of S.R. 3014.

**E27-065, Forest County**, Forest County Courthouse, Elm Street, Tionesta, PA 16353. Red Bridge Road across West Hickory Creek, in Harmony Township, **Forest County**, ACOE Pittsburgh District (West Hickory, PA Quadrangle N: 15.5 inches; W: 12.2 inches).

To remove the existing structure and to construct and maintain a prestressed concrete I-beam bridge having a clear span of 83.5 feet and an underclearance of 7.7 feet on a 60 degree skew across West Hickory Creek (HQ-CWF) on T-353 (Red Bridge Road) approximately 1.4 miles west of S.R. 4002.

**E61-250, Emlenton Borough**, Emlenton, PA 16373. River Avenue Parking Area Along Allegheny River, in Emlenton Borough, **Venango County**, ACOE Pittsburgh District (Emlenton, PA Quadrangle N: 9.3 inches; W: 11.8 inches).

To maintain fill measuring approximately 50 feet long by 40 feet wide by a maximum of 17 feet deep along the left bank of the Allegheny River within the 100-year floodplain for a parking area along the south side of River Avenue approximately 100 feet west of Sixth Street.

## STORAGE TANKS

### SITE-SPECIFIC INSTALLATION PERMITS

**The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 504, 1101—1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Land Recycling and Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.**

<i>SSIP Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
02-63-002	Robert L. Thomas Norfolk Southern Railway Co. 185 Spring Street Box 184 Atlanta, GA 30303	Washington	Union Township	1 AST—storing diesel	200,000 gallons
02-25-001	Richard M. Mirth Engelhard Corporation 1729 East Avenue Erie, PA 16505-2367	Erie	Erie	1 AST—storing 67% Sodium Bichromate	8,400 gallons

## SPECIAL NOTICES

### Certified Emission Reduction Credits in the Commonwealth's ERC Registry

Emission reduction credits (ERCs) are surplus, permanent, quantified and Federally enforceable emission reductions used to offset emission increases of oxides of nitrogen (NOx), VOCs and the following criteria pollutants: carbon monoxide (CO), lead (Pb), oxides of sulfur (SOx), particulate matter (PM), PM-10 and PM-10 precursors.

The Department of Environmental Protection (Department) maintains an ERC registry in accordance with the requirements of 25 Pa. Code § 127.209. The ERC registry system provides for the tracking of the creation, transfer and use of ERCs. Prior to registration of the credits, ERC Registry applications are reviewed and approved by the Department to confirm that the ERCs meet the requirements of 25 Pa. Code §§ 127.206—127.208. Registration of the credits in the ERC registry system constitutes certification that the ERCs satisfy applicable requirements and that the credits are available for use. The following registered and certified ERCs in the ERC Registry are currently available for use as follows:

- (1) To satisfy new source review (NSR) emission offset ratio requirements;
- (2) To “net-out” of NSR at ERC-generating facilities;
- (3) To sell or trade the ERCs for use as emission offsets at new or modified facilities.

The certified ERCs shown, expressed in tons per year (tpy), satisfy the applicable ERC requirements contained in 25 Pa. Code §§ 127.206—127.208. ERCs created from the curtailment or shutdown of a source or facility expires for use as offsets 10 years after the emission reduction occurs. ERCs generated by the overcontrol of emissions by an existing facility do not expire for use as offsets. However, credits in the registry which are not used in a plan approval will be discounted if new air quality requirements are adopted by the Department or United States Environmental Protection Agency.

For additional information concerning this listing of certified ERCs, contact Virendra Trivedi, Bureau of Air Quality, Division of Permits, Department of Environmental Protection, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325.

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Rexam Beverage Can Company County: Lehigh, PA Ozone Nonattainment Status: Moderate Contact Person: Geoffrey A. Wortley Telephone Number: (773) 399-3389	VOCs	22.70	11/06/2002	Trading
National Fuel Gas Supply Corp. Roystone Compressor Station County: Warren, PA Ozone Nonattainment Status: Moderate Contact Person: Gary A. Young Telephone Number: (814) 871-8657	NOx	103.30	12/28/2002	Internal Use and Trading
United States Naval Hospital County: Philadelphia Nonattainment Status: Severe Contact Person: Mark Donato Telephone Number: (215) 897-1809	NOx	30.50	3/31/2005	Trading
R. R. Donnelley & Sons Co. County: Lancaster Ozone Nonattainment Status: Moderate Contact Person: Frederick Shaak, Jr.	VOCs	54.00		Internal Use
R. R. Donnelley & Sons Co. County: Lancaster Ozone Nonattainment Status: Moderate Contact Person: Frederick Shaak, Jr.	VOCs	25.00	3/30/2011	Internal Use
Kurz Hastings Inc. County: Philadelphia Nonattainment Status: Severe Contact Person: Derrick Schweitzer Telephone Number: (215) 632-2300	VOCs	84.35		Trading
Sharon Steel Corp. Source Location: Farrell County: Mercer Ozone Nonattainment Status: Moderate Contact Person: Robert Trbovich Telephone Number: (412) 983-6161	VOCs	4.70	11/30/2002	Trading

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Pennsylvania Power Company (PA Power) Source Location: New Castle Plant County: Lawrence Ozone Nonattainment Status: Moderate Contact Person: Donald R. Schneider Telephone Number: (412) 652-5531	NOx	214.00	4/02/2003	Trading
Ford New Holland, Inc. Source Location: Mountville County: Lancaster Ozone Nonattainment Status: Moderate Contact Person: William E. Knight Telephone Number: (717) 355-4903	NOx VOCs	4.00 78.00	1/22/2003	Trading
I.H.F.P., Inc. Source Location: Milton Borough County: Northumberland Ozone Nonattainment Status: Moderate Contact Person: Michael West Telephone Number: (717) 742-6639	NOx VOCs	24.45 12.88	4/1/2006	Trading
Scranton-Altoona Terminal Corporation Source Location: Pittston Township County: Luzerne Ozone Nonattainment Status: Moderate Contact Person: John M. Arnold Telephone Number: (717) 939-0466	VOCs	18.36	1/1/2003	Trading
Metallized Paper Corporation of America Recipient/Holder: PNC Bank, National Association, assignee (by private lien foreclosure) from Metallized Paper Corp. Source Location: McKeesport County: Allegheny Ozone Nonattainment Status: Moderate Contact Person: Martin Mueller Telephone Number: (412) 762-5263	VOCs	41.70	06/30/2006	Trading
PPG Industries, Inc. Source Location: Springdale Complex County: Allegheny Ozone Nonattainment Status: Moderate Contact Person: Lori Burgess Telephone Number: (412) 274-3884	VOCs	171.82		Trading
York International Corporation Source Location: Spring Garden Township County: York Ozone Nonattainment Status: Moderate Contact Person: Garen Macdonald Telephone Number: (717) 771-7346	VOCs	12.20 2.70	06/01/2006 10/01/2005	Trading
Pennzoil Wax Partner Company Source Location: Rouseville County: Venango Ozone Nonattainment Status: Moderate Contact Person: David W. Dunn Telephone Number: (713) 546-6941	NOx	31.60	04/15/2002	Trading
REXAM DSI Source Location: Muhlenberg Township County: Berks Ozone Nonattainment Status: Moderate Contact Person: LeRoy H. Hinkle Telephone Number: (610) 916-4248	NOx SOx	9.42 51.05	11/22/2005	Trading

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Recipient/Holder of ERC: Coastal Aluminum Rolling Mills Inc. ERC Generating Facility: Fasson Div. of Avery Dennison Corp. ERC-generating facility location: Quakertown, Bucks Ozone Nonattainment Status: Severe Contact Person: Jesse Hackenberg Telephone Number: (570) 323-4430	VOCs	3.62		Internal Use/ Trading
Recipient/Holder of ERC: PG&E Energy Trading-Power, L.P. ERC Generating Facility: Fasson Div. of Avery Dennison Corp. ERC-generating facility location: Quakertown, Bucks County Ozone Nonattainment Status: Severe Contact Person: Mark Sheppard Telephone Number: (301) 280-6607	VOCs	39.84	8/1/2006	Trading
Baldwin Hardware Corporation Source Location: Reading County: Berks Ozone Nonattainment Status: Moderate Contact Person: D. David Hancock, Jr. Telephone Number: (215) 777-7811	VOCs	18.00	7/28/2005	Trading
Magee Rieter Automotive Systems Source Location: Bloomsburg County: Columbia Ozone Nonattainment Status: Moderate Contact Person: Tim Bergerstock Telephone Number: (717) 784-4100	NOx VOCs	0.39 0.02	4/17/2006	Internal Use
Congoleum Corporation Source Location: Marcus Hook County: Delaware Ozone Nonattainment Status: Severe Contact Person: Theresa C. Garrod Telephone Number: (609) 584-3000	NOx	5.20		Trading
CNG Transmission Corporation Source Location: Leidy Township County: Clinton Ozone Nonattainment Status: Moderate Contact Person: Sean R. Sleight Telephone Number: (304) 623-8462	NOx VOCs	39.28 0.55	10/27/2004	Internal use and trading
Bethlehem Structural Products Corp. Source Location: Bethlehem County: Northampton Ozone Nonattainment Status: Moderate Contact Person: Joseph E. Schindler Telephone Number: (610) 694-5104	NOx VOCs	1,054.00 473.80	Varies from 3/28/2008 to 6/19/2008	Trading
Morgan Adhesives Company (MACtac) Source Location: Scranton County: Lackawanna Ozone Nonattainment Status: Moderate Contact Person: Tim Owens Telephone Number: (330) 688-1111	VOCs	75.00	6/30/2008	Trading
Meritor Heavy Vehicle Systems LLC Source Location: New Castle County: Lawrence Ozone Nonattainment Status: Moderate Contact Person: Harry Klodowski Telephone Number: (412) 281-7997	NOx	54.40	5/31/2003	Trading

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Recipient/Holder of ERC: Dominion Energy, Inc. ERC Generating Facility: Superpac, Inc. ERC-generating facility location: Southampton, Bucks County Ozone nonattainment status: Severe Contact Person: David H. Testa Telephone Number: (412) 690-1815	VOCs	3.90 4.20 4.70	11/23/2002 1/8/2003 9/30/2003	Trading
National Fuel Gas Supply Corporation Sources: Generators, # 1 Source Location: Ellisburg Station County: Potter Ozone Nonattainment Status: Moderate Contact Person: Gary A. Young Telephone Number: (814) 871-8657	NOx VOCs	16.14 1.80	2/1/2009	Internal Use
General Electric Company Source Location: Lawrence Park County: Erie Ozone Nonattainment Status: Moderate Contact Person: Scott Gowdy Telephone Number: (814) 875-2427	VOCs	44.20	Varies from 12/31/2003 to 12/31/2005	Internal Use/ Trading
Sun Company, Inc. Source: API Separator 10 and 1-F Source Location: Marcus Hook County: Delaware Ozone Nonattainment Status: Severe	VOCs	2.37	9/30/2004	Internal Use
TYK America, Inc. Source Location: Irvona Facility County: Clearfield Ozone Nonattainment Status: Moderate Contact Person: David B. Orr Telephone Number: (412) 384-4259	NOx VOCs PM-10	0.30 0.02 0.24	11/6/2008	Trading
SmithKline Beechman Pharmaceuticals Sources: Two boilers and oxidizer Source Location: Spring Garden Street Facility County: Philadelphia Ozone Nonattainment Status: Severe Contact Person: Eileen Ackler Telephone Number: (610) 239-5239	NOx VOCs	5.72 0.10	12/31/2008	Trading
Recipient/Holder of ERC: PG&E Energy Trading-Power, L.P. ERC Generating Facility: Global Packaging, Inc. ERC-generating facility location: Oaks Plant, Montgomery County Ozone Nonattainment Status: Severe Contact Person: Sarah M. Barpoulis Telephone Number: (301) 280-6607	VOCs	7.70	9/1/2006	Trading
Recipient/Holder of ERC: PG&E Energy Trading-Power, L.P. ERC Generating Facility: Global Packaging, Inc. ERC-generating facility location: Oaks Plant, Montgomery County Ozone Nonattainment Status: Severe Contact Person: Sarah M. Barpoulis Telephone Number: (301) 280-6607	VOCs	43.50		Trading



<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
The Procter & Gamble Paper Products Company Source Location: Mehoopany Plant County: Wyoming Ozone Nonattainment Status: Moderate Contact Person: Jim Brogan Telephone Number: (717) 833-6022	NOx VOCs	136.00 127.43	5/3/2009	Internal Use/ Trading
Recipient/Holder of ERC: Air Resources Group, LLC ERC Generating Facility: Cogentrix of Pennsylvania, Inc. ERC-generating facility location: Ringgold Township County: Jefferson County Ozone nonattainment status: Moderate Contact Person: David Alexander	NOx	658.72	9/1/2010	
Cogentrix of Pennsylvania, Inc. Source Location: Ringgold Township County: Jefferson County Ozone nonattainment status: Moderate Contact Person: Tracy Patterson Telephone Number: (804) 541-4246	VOCs	31.61	9/1/2010	Trading
Caparo Steel Company Source: EAF Furnace #2 and Ladle Preheater #2 Source Location: Farrell Plant County: Mercer County Ozone nonattainment status: Moderate Contact Person: Richard A. Herman Telephone Number: (724) 983-6464	NOx VOCs	36.73 12.07	08/18/2007	Trading
Caparo Steel Company Source Name: Anneal Pickle Line and Coating Line Source Location: Farrell Plant County: Mercer County Ozone nonattainment status: Moderate Contact Person: Richard A. Herman Telephone Number: (724) 983-6464	NOx VOCs	9.10 0.17	11/9/2002	Trading
LTV Steel Company, Inc. Source Location: Pittsburgh Coke Plant County: Allegheny Ozone Nonattainment Status: Moderate Contact Person: R. M. Zavoda Telephone Number: (216) 429-6542	NOx VOCs	1,663.00 437.00	2/28/2008	Trading/Internal use
Kurz-Hastings, Inc. Source Location: Philadelphia County: Philadelphia Ozone Nonattainment Status: Severe Contact Person: Derrick Schweitzer Telephone Number: (215) 632-2300	VOCs	53.10		Trading
Newcomer Products Inc. Source Location: Latrobe County: Westmoreland Ozone Nonattainment Status: Moderate Contact Person: Edward M. Nemeth Telephone Number: (724) 694-8100	VOCs	45.00	7/14/2010	Trading
Smith-Steelite Plant: Emsworth Manufacturing Facility Ozone Nonattainment Status: Moderate Contact Person: Wm. K. Shadle Telephone Number: (412) 299-8167	VOCs	7.32	6/7/2004	Trading

<i>Facility Information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration Date</i>	<i>Intended Use of ERCs</i>
Koppers Industries, Inc. Source Location: Monessen Coke Works County: Westmoreland Ozone Nonattainment Status: Moderate Contact Person: Traci Self Telephone Number: (412) 227-2883	NOx VOCs	129.00 1.60	9/30/2002	Internal Use/ Trading
Cyprus Cumberland Resources Corporation Source Location: Cumberland Mine, Whiteley Township County: Greene Ozone Nonattainment Status: Moderate Contact Person: Terry L. Dayton Telephone Number: (412) 627-2219	NOx VOCs	64.00 15.00	6/30/2005	Trading
Allegheny Ludlum Corp. Sources: Three electric arc furnaces Source Location: Washington Plant County: Washington Ozone Nonattainment Status: Moderate Contact Person: Deborah L. Calderazzo Telephone Number: (724) 226-5947	NOx	7.78	7/31/2004	Trading
Armstrong World Industries Source Location: Beaver Falls County: Beaver Ozone Nonattainment Status: Moderate Contact Person: Wayne Pease Telephone Number: (412) 843-5700	VOCs	6.00	4/30/2003	Trading
Rohm & Haas Delaware Valley Inc. County: Philadelphia Ozone Nonattainment Status: Severe Contact Person: Frank Jackson Telephone Number: (215) 537-4000	VOCs	27.50 6.10	3/26/2003 7/31/2003	Trading
Scranton-Altoona Terminals Corporation Source Location: Monroe Township County: Cumberland County Ozone nonattainment status: Moderate Contact Person: Thomas M. Carper Telephone Number: (717) 939-0466	VOCs	4.84	9/30/2010	Trading
Pennzoil Wax Partner Company Source Location: Rouseville County: Venango Ozone Nonattainment Status: Moderate Contact Person: David W. Dunn Telephone Number: (713) 546-6941	NOx VOCs CO SOx	15.47 0.68 14.86	2/26/2010	Trading
Pennzoil Wax Partner Company Source Location: Rouseville County: Venango Ozone Nonattainment Status: Moderate Contact Person: David W. Dunn Telephone Number: (713) 546-6941	NOx VOCs CO SOx	2.82 44.34 0.57 5.01	4/1/2010	Trading
INDSPEC Chemical Corp. Source: Boiler # 8 Source Location: Petrolia County: Butler Ozone Nonattainment Status: Moderate Contact Person: Terry Melis Telephone Number: (412) 756-2376	NOx SOx	158.68 1,217.95		Trading

### Summary of ERC Transaction

The following ERC transactions are approved by the Department's Bureau of Air Quality. The ERC transaction requirements are specified in 25 Pa. Code § 127.208.

- 1 **ERC Generating Facility Information**  
*ERC Generating Facility Name:* Bethlehem Steel Corporation  
*Location of Source:* Bethlehem Plant, Northampton County, PA  
*Amount of ERCs traded to Purchaser/Recipient:* 600 tpy of NOx  
*Date of ERCs Transfer:* 1/31/2002  
**Purchaser/Recipient of ERCs**  
*Purchaser/Recipient of ERCs:* Conectiv Bethlehem, Inc.  
*Location of Source:* Northampton County, PA  
*NOx credits available for future use:* 600 tpy
- 2 **ERC Generating Facility Information**  
*ERC Generating Facility Name:* Global Packaging, Inc.  
*Location of Source:* Montgomery County, PA  
*Amount of ERCs traded to Purchaser/Recipient:* 51.2 tpy of VOCs  
*Date of ERCs Transfer:* 2/21/2002  
**Purchaser/Transferee of ERCs**  
*Purchaser/Transferee of ERCs:* PG&E Energy Trading-Power, L.P.  
*VOCs credits available for future use:* 51.2 tpy of VOCs
- 3 **ERC Generating Facility Information**  
*ERC Generating Facility Name:* LTV Steel Company, Inc.  
*Location of Source:* Pittsburgh, Allegheny County, PA  
*Amount of ERCs traded to Purchaser/Recipient:* 215 tpy of NOx and 104 tpy of VOCs  
*Date of ERCs Transfer:* 3/7/2002  
**Purchaser/Recipient of ERCs**  
*Purchaser/Recipient of ERCs:* Duke Energy Fayette, LLC  
*Location of Source:* Fayette County  
*NOx credits available for future use:* 215 tpy  
*VOCs credits available for future use:* 104 tpy
- 4 **ERC Generating Facility Information**  
*ERC Generating Facility Name:* Cogentrix of Pennsylvania, Inc.  
*Location of Source:* Ringhold Township, Jefferson County, PA  
*Amount of ERCs traded to Purchaser/Recipient:* 658.72 tpy of NOx  
*Date of ERCs Transfer:* 2/6/2002  
*ERCs available for future use:* 31.61 tpy of VOCs  
**Purchaser/Recipient of ERCs**  
*Purchaser/Recipient of ERCs:* Air Resources Group, LLC  
*NOx credits available for future use:* 658.72 tpy
- 5 **ERC Generating Facility Information**  
*ERC Generating Facility Name:* Delphi Harrison Thermal Systems  
*Location of Source:* Lockport, Niagara County, NY  
*Amount of ERCs traded to Purchaser/Recipient:* 13.87 tpy of VOCs  
*Date of ERCs Transfer:* 2/14/2002

### Purchaser/Recipient of ERCs

*Purchaser/Recipient of ERCs:* Dart Container Corporation of PA  
*Location of Source:* Leola, Lancaster County, PA  
*VOCs credits available for future use:* 13.87 tpy

- 6 **ERC Generating Facility Information**  
*ERC Generating Facility Name:* Feuer Leather Corporation DIP; Parent of Mercersburg Tanning Company  
*Location of Source:* Mercersburg, Franklin County, PA  
*Amount of ERCs traded to Purchaser/Recipient:* 20 tpy of VOCs  
*Date of ERCs Transfer:* 2/14/2002  
**Purchaser/Recipient of ERCs**  
*Purchaser/Recipient of ERCs:* Reliant Energy Hunterstown LLC  
*Location of Source:* Straban Township, Adams County, PA  
*Plan Approval Number:* 01-05029  
*VOCs credits available for future use:* 20 tpy of VOCs

- 7 **ERC Holder/Generating Facility Information**  
*ERC Holder/Transferor:* Cypress Energy, L.P., Maryland  
*ERC Generating Facility Name:* Quebecor World (USA) Inc.  
*Location of Source:* Glen Burnie, MD  
*Amount of ERCs traded to Purchaser/Recipient:* 40 tpy of VOCs  
*Date of ERCs Transfer:* 3/18/2002

### Purchaser/Recipient of ERCs

*Purchaser/Recipient of ERCs:* Cabot Corporation  
*Location of Source:* Boyertown, Montgomery County, PA  
*VOCs credits available for future use:* 40 tpy

### Request for Proposals for Municipal Solid Waste Capacity

The following notice is placed through the Department of Environmental Protection (Department) as required by section 502(d) of Act 101 of 1988: the Municipal Waste Planning, Recycling and Waste Reduction Act.

#### Adams County Board of Commissioners and Adams County Solid Waste Department Gettysburg, PA

#### Request for Proposals for Municipal Waste Transportation and Disposal Services

In accordance with 25 Pa. Code § 272, Adams County is required to ensure sufficient disposal capacity for municipal solid waste (MSW), including construction/demolition (C/D) waste and sewage sludge for at least 10 years. Adams County is distributing this request for proposals (RFP) to determine the regional disposal facilities interested in providing future services for disposal of Adams County generated municipal waste between 2002 and 2012. Residual waste disposal services are also included in this solicitation.

There are several potential transportation and disposal alternatives for Adams County included in this solicitation. The first alternative is disposal of MSW, including C/D waste and sewage sludge, as delivered to the gate of the proposer's disposal facility. The second alternative includes both the disposal of and hauling of MSW,

including C/D waste and sewage sludge (if feasible), from a proposed central processing facility near Gettysburg, PA. The second alternative should include capital and operating costs of open-top transfer vehicles that will haul wastes from the central processing facility to the proposer's disposal site. The third alternative is similar to the second, but also includes the construction and operation of the proposed central processing facility in accordance with minimum standards and requirements outlined in the RFP. All three alternatives also include residual waste disposal services.

The RFP package will be made available to interested parties upon prepayment of a nonrefundable fee of \$75 per RFP. Copies of the RFP may be purchased from the Adams County Solid Waste Department, 670 Old Harrisburg Road, Suite 100, Gettysburg, PA 17325, (717) 337-9827. Checks should be made payable to the Adams County Solid Waste Department.

A preproposal meeting will be held in the Commissioners' Hearing Room, Second Floor, Adams County Courthouse, Gettysburg, PA at 11 a.m. on February 12, 2002. Weather permitting, a site visit to the Adams County Facilities Center will follow.

The Adams County Board of Commissioners will receive proposals in response to this solicitation until 4 p.m., March 12, 2002. Information obtained from the distribution of and response to this solicitation will be used to gauge the number of eligible disposal facilities that are willing to accept MSW and residual waste from Adams County. Responses from each disposal facility will be reviewed to assist in the solid waste management planning efforts for long-term solid waste disposal assurance for Adams County as required by the Department and Act 101.

Sealed envelopes containing the RFP must be clearly labeled to show the name and address of the responding disposal facility (a separate proposal submission is required for each facility responding to the RFP) and be addressed to Adams County Board of Commissioners, Second Floor, Adams County Courthouse, 111-117 Baltimore Street, Gettysburg, PA 17325, RE: Municipal Waste Disposal Solicitation. Contact Terry Keene of Gannett Fleming Inc., (717) 763-7211 ext. 2499, with any specific questions regarding this solicitation.

[Pa.B. Doc. No. 02-625. Filed for public inspection April 19, 2002, 9:00 a.m.]

### **Extension of Pennsylvania General Permits for the Beneficial Use of Sewage Sludge by Land Application (PAG-7, PAG-8, PAG-9)**

Under the Federal Clean Water Act; The Clean Streams Law (35 P.S. §§ 691.1—691.1001); sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20); the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); and the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904), the Department of Environmental Protection (Department), by this notice, issues a 7 month time extension of its current three general permits for the beneficial use of sewage sludge by land application.

The current general permits are scheduled to expire May 23, 2002. The proposed extension will extend the current general permits, in their entirety, until December

23, 2002. The extension will be effective on May 24, 2002, and shall expire on December 23, 2002. On or before May 23, 2002, the Department will redate the permits as Amendment No. 1. No other changes will be made to the permits under Amendment No. 1.

The extension permit documents package will continue to be available from the Department's regional and central office until it is replaced or updated.

The permit document package is available from the Department's Bureau of Water Supply and Wastewater Management, P. O. Box 8467, Harrisburg, PA 17105-8467, (717) 783-3795 (e-mail address: [trutrutma@state.pa.us](mailto:trutrutma@state.pa.us)).

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DAVID E. HESS,  
*Secretary*

[Pa.B. Doc. No. 02-626. Filed for public inspection April 19, 2002, 9:00 a.m.]

## **DEPARTMENT OF HEALTH**

### **Application of Bariatric Care Center of Pennsylvania for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Bariatric Care Center of Pennsylvania has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 7.31.E.2.d (relating to portable water supply systems).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: [DDITLOW@STATE.PA.US](mailto:DDITLOW@STATE.PA.US).

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-627. Filed for public inspection April 19, 2002, 9:00 a.m.]

### Application of Lancaster NeuroScience & Spine Associates for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Lancaster NeuroScience & Spine Associates has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 9.5.F5.h (relating to equipment storage rooms in surgical suite).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: DDITLOW@STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
Secretary

[Pa.B. Doc. No. 02-628. Filed for public inspection April 19, 2002, 9:00 a.m.]

### Application of Laurel Laser & Surgery Center, LP for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Laurel Laser & Surgery Center, LP has requested an exception to the requirements of 28 Pa. Code § 565.11 (relating to principle).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: DDITLOW@STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation

to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
Secretary

[Pa.B. Doc. No. 02-629. Filed for public inspection April 19, 2002, 9:00 a.m.]

### Application of Shamokin Area Community Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Shamokin Area Community Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 7.7.A2 (relating to size of operating room in surgical suites) and 7.7.C6 (relating to soiled workrooms in surgical suites).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: DDITLOW@STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6154 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
Secretary

[Pa.B. Doc. No. 02-630. Filed for public inspection April 19, 2002, 9:00 a.m.]

### Request for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.18(e) (relating to management):

United Community Hospital Transitional  
Care Center  
631 N. Broad Street Ext.  
Grove City, PA 16127-9703

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for

exception by requesting a copy from Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax: (717) 772-2163, e-mail address: PAEXCEPT@HEALTH.STATE.PA.US.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact V/TT: (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 [TT].

ROBERT S. ZIMMERMAN, Jr.,  
Secretary

[Pa.B. Doc. No. 02-631. Filed for public inspection April 19, 2002, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, April 4, 2002, and took the following actions:

*Regulations Deemed Approved under section 5(g) of the Regulatory Review Act*

State Board of Psychology #16A-639: Continuing Education—Ethics (amends 49 Pa. Code § 41.59)—Effective April 2, 2002.

Public School Employees' Retirement Board #43-8: Contributions and Benefits (amends 22 Pa. Code Chapter 213)—Effective March 28, 2002.

*Regulations Approved*

State Athletic Commission #16-17: Boxing and Wrestling (amends 58 Pa. Code Chapters 1, 3, 5, 9, 11, 13, 21, 23, 25, 27, 31 and 33)

Department of Health #10-137: Newborn Disease Screening and Follow-Up (amends 28 Pa. Code Chapters 27, 28 and 501)

### Approval Order

Public Meeting Held  
April 4, 2002

*Commissioners Voting:* John R. McGinley, Jr., Chairperson, by phone; Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

*State Athletic Commission—Boxing and Wrestling;  
Regulation No. 16-17*

On May 12, 2000, the Independent Regulatory Review Commission (Commission) received this proposed regula-

tion from the State Athletic Commission (SAC). This rulemaking amends 58 Pa. Code Chapters 1, 3, 5, 9, 11, 13, 21, 23, 25, 27, 31 and 33. The proposed regulation was published in the May 27, 2000, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on March 5, 2002.

The regulation represents a comprehensive update and revision of the procedures and rules by which the SAC regulates boxing and wrestling in Pennsylvania. The SAC licenses: 59 boxing promoters; 51 boxing managers; 400 professional boxers; 40 professional kickboxers; 25 referees; 52 judges; and 22 physicians. The regulation will impose marginal cost increases on managers and promoters.

We have determined this regulation is consistent with the statutory authority of the SAC (5 Pa.C.S. § 103(b)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

### Approval Order

Public Meeting Held  
April 4, 2002

*Commissioners Voting:* John R. McGinley, Jr., Chairperson, by phone; Alvin C. Bush, Vice Chairperson; Arthur Coccodrilli; Robert J. Harbison, III; John F. Mizner

*Department of Health—Newborn Disease Screening and Follow-Up; Regulation No. 10-137*

On April 18, 2001, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Health (Department). This rulemaking amends 28 Pa. Code Chapters 27, 28 and 501. The proposed regulation was published in the April 28, 2001, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on March 8, 2002.

This regulation adds maple syrup urine disease (MSUD), hemoglobin diseases, galactosemia and congenital adrenal hyperplasia to the list of diseases for which newborn children are routinely tested, as mandated by Act 86 of 1992. Currently the statute requires testing for phenylketonuria, MSUD and sickle-cell disease. The Department is also updating procedures for screening and follow-up testing for diseases on the list. Finally, the amendments clarify when a health care provider is required to collect blood filter paper specimens.

We have determined this regulation is consistent with the statutory authority of the Department (35 P. S. § 625) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

JOHN R. MCGINLEY, Jr.,  
Chairperson

[Pa.B. Doc. No. 02-632. Filed for public inspection April 19, 2002, 9:00 a.m.]

### Notice of Comments Issued

Section 5(d) of the Regulatory Review Act (71 P.S. § 745.5(d)) provides that the designated standing Committees may issue comments within 20 days of the close of the public comment period, and the Independent Regulatory Review Commission (Commission) may issue comments within 10 days of the close of the Committees' comment period. The Commission's comments are based upon the criteria contained in section 5.1(h) and (i) of the Regulatory Review Act (71 P.S. § 745.5a(h) and (i)).

The Commission issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted by the date indicated.

Reg. No.	Agency/Title	Issued	Final-Form Submission Deadline
#11-146	Insurance Department Public Adjuster Contracts and Licensing (32 Pa.B. 609 (February 2, 2002))	4/4/02	3/4/04

#### Insurance Department Regulation No. 11-146 Public Adjuster Contracts and Licensing April 4, 2002

We submit for consideration the following objections and recommendations regarding this regulation. Each objection or recommendation includes a reference to the criteria in the Regulatory Review Act (71 P.S. § 745.5a(h) and (i)) which have not been met. The Insurance Department (Department) must respond to these comments when it submits the final-form regulation. If the final-form regulation is not delivered by March 4, 2004, the regulation will be deemed withdrawn.

##### 1. General.—Protection of the Public Welfare; Clarity.

This proposed rulemaking amends Chapter 115 to regulate the licensing and conduct of public adjusters and public adjuster solicitors. We have two general comments for the Department regarding this regulation.

First, commentators have suggested that these regulations should include specific provisions and procedures for revocation or suspension of a license or for imposition of fines. These provisions are contained in section 1606(a) of the Public Adjusters Act (63 P.S. § 1606(a)) (Act). For increased clarity, the Department should consider retaining § 115.7 and adding a similar section, which references the provisions of the Act dealing with revocation and suspension.

Second, the Department has the statutory authority based on sections 1606 and 1608 of the Act (63 P.S. §§ 1606 and 1608) to impose further consumer protections on public adjusters. Therefore, we believe that the regulation's consumer protections could be enhanced by adding:

1) A deadline for public adjusters to provide notification to the insurer of the public adjuster's representation to facilitate the processing of claims.

2) A set timeframe of 3 business days for public adjusters to communicate any and all settlement offers from an insurer to an insured in writing within 3 business days so that the insured is made aware of all the options.

3) A requirement that public adjusters should reply to any written or oral communication from an insurer with respect to a claim within 7 business days of receiving it if the communication solicits a reply to ensure that the claim process continues with limited interruptions.

4) Criteria stating that public adjusters, who do not respond to communications, should be deemed to be demonstrating incompetency or untrustworthiness. This is consistent with section 1606(a)(13) of the Act.

##### 2. Consistency with the *Pennsylvania Bulletin*.—Clarity.

The version of the proposed regulation submitted by the Department is inconsistent with the version published in the *Pennsylvania Bulletin*. To be consistent with the reformatting done by the Legislative Reference Bureau, the Department needs to correct the references in the text of § 115.11 to "subsections (b) and (c)" and of § 115.12 to "subsection (a)."

##### 3. Section 115.1. Definitions.—Clarity.

The Department has defined the terms "active officer" and "active partner" in the regulation. The phrase "who holds a current public adjuster license and" appears in the text of both definitions. The Act and §§ 115.17 and 115.21 relating to "general application requirements" and "partnership or corporation application procedures" contain the requirements for licensure of active officers and active partners. Because these individuals are required to obtain a license, we believe the previously noted phrase should be deleted from both definitions in the final-form regulation.

##### 4. Section 115.2. Contents of public adjuster contracts, minimum standards.—Clarity.

Subsection (a)(4) provides the adjusters contract is to include "The consideration expressed as a percentage of any payments to be received on the negotiated claim, and as a maximum dollar amount." (Emphasis added.) For clarity, should the word "and" be replaced with the word "or"?

Subsection (b)(3) provides that the public adjuster contract may not impose "unreasonable late fees or collection costs on the insured." The Department should provide examples of what it considers "unreasonable" with regard to late fees or collection costs.

##### 5. Section 115.3. Additional procedures.—Reasonableness.

Subsection (d) contains requirements for the public adjuster to fulfill within "15 calendar days" after receipt of the cancellation notice. Is 15 calendar days a reasonable time period for a public adjuster to fulfill these requirements? The Department should explain.

##### 6. Section 115.11. Examination requirement.—Clarity.

This section requires applicants to "successfully complete an examination, except as provided for in subsections (b) and (c)." Applicants seeking a license shall apply for examination directly to the testing facility. It is not clear where the applicant may obtain "an examination" or how the applicant will contact "the testing facility." To add clarity to this section, the Department could cross-reference § 115.15(5), which provides the pertinent information.

##### 7. Section 115.13. Examination requirements for nonresident applicants.—Clarity.

Paragraph (3) requires a nonresident applicant for a license to "pass the appropriate examination if unable to

produce documentation from the confirming regulatory authority which is satisfactory to the Department." The Department should elaborate upon the information that it would deem satisfactory in the final-form regulation.

**8. Section 115.15. Administration of examination.—Clarity.**

This section requires an eligible delegee to adhere to certain standards. Paragraph (2) states "Testing may be conducted in locations throughout this Commonwealth and other designated locations." We have two concerns.

First, if the Department requires the eligible delegee to offer exams throughout the Commonwealth, then the word "may" should be replaced with the word "shall."

Second, what "other designated locations" would not be located in the Commonwealth? The Department should provide examples of "other designated locations" in the final-form regulation or delete the phrase.

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 02-633. Filed for public inspection April 19, 2002, 9:00 a.m.]

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation on the date indicated. To obtain the date and time of the meeting at which the Commission will consider this regulation, contact the Commission at (717) 783-5417 or visit its website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). To obtain a copy of the regulation, contact the promulgating agency.

*Final-Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
47-7	Milk Marketing Board Calculation of Bonding Obligation	4/10/02

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 02-634. Filed for public inspection April 19, 2002, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Blue Cross of Northeastern Pennsylvania and Pennsylvania Blue Shield; Filing 569-MMCR-10/02; Major Medical Community Rated Group Rated Filing

On April 2, 2002, Blue Cross of Northeastern Pennsylvania and Pennsylvania Blue Shield submitted a filing to increase the current monthly rates for the Community Group Major Medical product. The proposed percent rate changes are 16.93% for the Major Medical Benefit Program that includes the pharmacy benefit and 30.72% for the Major Medical Benefit Program that excludes the pharmacy benefit.

An effective date of October 1, 2002, is requested. This increase will produce approximately \$4.5 million of additional annual revenue for an average projected number of 15,936 subscribers (191,226 contract-months).

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-635. Filed for public inspection April 19, 2002, 9:00 a.m.]

### Conseco Senior Health Insurance Company; Rate Filing

Conseco Senior Health Insurance Company is requesting approval to increase the premium 25.0% for the Long Term Care policy form ATL-LTC-6 and the associated riders. This form was originally issued by the American Travelers Life Insurance Company. The average premium will increase from \$1,487 to \$1,859 and will affect 4,107 Pennsylvania policyholders.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional offices in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-636. Filed for public inspection April 19, 2002, 9:00 a.m.]

### Erie Insurance Exchange; Homeowners Insurance Rate and Rule Revision

On April 3, 2002, the Insurance Department (Department) received from Erie Insurance Exchange a filing for proposed rate level and rule changes for homeowners insurance.

The company requests an overall 4.3% increase amounting to \$8.412 million annually, to be effective August 1, 2002.

Unless formal administrative action is taken prior to June 2, 2002, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Department's regional offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA



17120 or e-mail: xlu@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 02-637. Filed for public inspection April 19, 2002, 9:00 a.m.]

### Insurance Seminar

The Administrative Hearings Office of the Insurance Department will present a seminar titled *Insurance Department Hearings: How to Avoid/How to Survive* on May 14, 2002, at 9:30 a.m. in the Rachel Carson Auditorium, 400 Market Street, Harrisburg, PA. The presentations will focus on procedures in appeals involving Act 68 (automobile policy terminations), Act 205 (homeowner policy terminations) and Act 143 (agency terminations).

For registration forms and further information, contact Karen Bernhard, Hearings Administrator, (717) 783-2126.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 02-638. Filed for public inspection April 19, 2002, 9:00 a.m.]

### Prudential Property and Casualty Insurance Company; Private Passenger Auto Insurance Rate Filing

On April 5, 2002, the Insurance Department (Department) received from Prudential Property and Casualty Insurance Company a filing for a proposed rate level change for Private Passenger Auto insurance.

The company requests an overall 13.9% increase amounting to \$12.22 million annually, to be effective August 1, 2002.

Unless formal administrative action is taken prior to June 4, 2002, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Department's regional offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120 or e-mail: xlu@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 02-639. Filed for public inspection April 19, 2002, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68), in connection with the termination of the insured's automobile policy. The hearings will be held in accordance

with the requirements of the act; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Philadelphia PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Philadelphia Regional Office, Room 1701 State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Daniel Mason, M.D.; File No. 02-265-01000; AAA Mid-Atlantic Insurance Company; Doc. No. PH02-04-008; May 17, 2002, 9:30 a.m.

Martin Cotton; File No. 02-280-01170; AAA Mid-Atlantic Insurance Company; Doc. No. PH02-04-010; May 17, 2002, 10:30 a.m.

Alfred Jones, Jr.; File No. 02-210-00845; American Independent Insurance; Doc. No. PH02-04-009; May 17, 2002, 11:30 a.m.

Tiffani S. Clark; File No. 02-280-00706; Farmers New Century Insurance Company; Doc. No. PH02-03-035; May 24, 2002, 1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 02-640. Filed for public inspection April 19, 2002, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices

Act (40 P. S. § 1171.8) in connection with their company's termination of the insureds' policies. The administrative hearing will be held in the Insurance Department's regional offices in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Estate of Rose M. Griffith; File No. 02-182-01349; National Grange Mutual Insurance Company; Doc. No. P02-04-007; May 22, 2002; 10:30 a.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like necessary, to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator, (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-641. Filed for public inspection April 19, 2002, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no such documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Governor's Office*

Management Directive No. 205.9—Implementation of Financial Disclosure Provisions of the Governor's Code of Conduct, Amended March 5, 2002.

Management Directive No. 205.10—Financial Disclosures Required by the Public Official and Employee Ethics Act, Act 93 of 1998, 65 Pa.C.S. §§ 1101—1113, Amended March 5, 2002.

Management Directive No. 205.12—Financial Disclosures Required by Former Employees by the Public Official and Employee Ethics Act, Act 93 of 1998, 65 Pa.C.S. §§ 1101—1113, Amended March 5, 2002.

Management Directive No. 230.14—Foreign Areas Subsistence Allowances, Amended February 25, 2002.

Management Directive No. 515.20—Reemployment of Commonwealth Annuitants, Amended February 21, 2002.

Management Directive No. 540.7—Employee Performance Review, Amended March 5, 2002.

Administrative Circular No. 02-04—Closing Instruction No. 1, Fiscal Year 2001-2002 Submission of Purchasing Documents, Dated February 27, 2002.

Administrative Circular No. 02-05—Relocation—Department of Conservation and Natural Resources' Offices, Dated March 13, 2002.

Administrative Circular No. 02-06—Distribution of the 2002 Governor's Annual Work Force Report, Dated March 15, 2002.

Administrative Circular No. 02-07—Calendar Bases, Calendar Refills, Diaries, and Date Books for 2003, Dated March 15, 2002.

GARY R. HOFFMAN,  
*Director*  
*Pennsylvania Bulletin*

[Pa.B. Doc. No. 02-642. Filed for public inspection April 19, 2002, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

Allegheny County, Wine & Spirits Shoppe #0212, 959 Liberty Avenue, Pittsburgh, PA 15222-3701.

*Lease Expiration Date:* April 30, 2003

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,500 net useable square feet of new or existing retail commercial space with an additional 2,500 of stock/storage space. Site must be located on Liberty Avenue in downtown Pittsburgh between 11th and 9th Streets. Rear tractor trailer delivery required.

*Proposals due:* May 10, 2002, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Bruce VanDyke, (412) 565-5130

Allegheny County, Wine & Spirits Shoppe #0213, 217 Atwood Street, Pittsburgh, PA 15213-4001.

*Lease Expiration Date:* May 31, 2003

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space serving the Oakland neighborhood within the City of Pittsburgh. The site should have good loading facilities and off-street parking.

*Proposals due:* May 10, 2002, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** Thomas Deal, (412) 565-5130

Beaver County, Wine & Spirits Shoppe #0403, 999 Merchant Street, Ambridge, PA 15003-2327.

*Lease Expiration Date:* April 30, 2003

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,500 net useable square feet of new or existing retail commercial space along Merchant Street in the Ambridge Central Business District. Site should have rear door loading facilities.

*Proposals due:* May 10, 2002, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, State Office Building, Rm. 408, 300 Liberty Avenue, Pittsburgh, PA 15222  
**Contact:** George Danis, (412) 565-5130

JOHN E. JONES, III,  
*Chairperson*

[Pa.B. Doc. No. 02-643. Filed for public inspection April 19, 2002, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Default Order

Public Meeting held  
 March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
 Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
 Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
 Prosecutory Staff v. ACS Systems, Inc. (1998.0232.01);  
 Doc. No. C-20015721; A-310644*

### Default Order

*By the Commission:*

On June 25, 2001, the Law Bureau Prosecutory Staff filed a Formal Complaint proceeding against ACS Systems, Inc. (Respondent), an IXC reseller certificated at A-310644. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, service of the Complaint was perfected on June 28, 2001. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Order upon all jurisdictional telecommunication carriers and also cause a copy of this Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. ACS Systems, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this Order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication and without further action by the Commission, the certificate of public convenience held by ACS Systems, Inc. at A-310644 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-644. Filed for public inspection April 19, 2002, 9:00 a.m.]

### Default Order

Public Meeting held  
 March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
 Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
 Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
 Prosecutory Staff v. Airnex Communications, Inc.  
 (1998.0232.01); Doc. No. C-00015633; A-310794*

### Default Order

*By the Commission:*

On June 18, 2001, the Law Bureau Prosecutory Staff filed a Formal Complaint proceeding against Airnex Communications, Inc. (Respondent), an IXC reseller certificated at A-310794. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, service of the Complaint was perfected on June 22, 2001. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Order upon all jurisdictional telecommunication carriers and also cause a copy of this Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Airnex Communications, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this Order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication and without further action by the Commission, the certificate of public convenience held by Airnex Communications, Inc. at A-310794 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-645. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. American Tel Group (1998.0232.01);  
Doc. No. C-00015565; A-310028*

**Default Order***By the Commission:*

On June 18, 2001, the Law Bureau Prosecutory Staff filed a Formal Complaint proceeding against American Tel Group (Respondent), an IXC reseller certificated at A-310028. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, service of the Complaint was perfected on June 21, 2001. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Order upon all jurisdictional telecommunication carriers and also cause a copy of this Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. American Tel Group immediately cease providing service to any new customers and, within 10 days of the entry date of this Order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication and without further action by the Commission, the certificate of public convenience held by American Tel Group at A-310028 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-646. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Americatel Corporation  
(1998.0232.01); Doc. No. C-00015649; A-310609*

**Default Order***By the Commission:*

On June 19, 2001, the Law Bureau Prosecutory Staff filed a Formal Complaint proceeding against Americatel Corporation (Respondent), an IXC reseller certificated at A-310609. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, service of the Complaint was perfected on June 20, 2001. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Order upon all jurisdictional telecommunication carriers and also cause a copy of this Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Americatel Corporation immediately cease providing service to any new customers and, within 10 days of the entry date of this Order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication and without further action by the Commission, the certificate of public convenience held by Americatel Corporation at A-310609 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-647. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson; Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Anchor Communications Corporation (1998.0232.01); Doc. No. C-20015673; A-310445*

**Default Order***By the Commission:*

On June 22, 2001, the Law Bureau Prosecutory Staff filed a Complaint proceeding against Anchor Communications Corporation (Respondent), an IXC reseller certificated at A-310445. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504, its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, the forwarding order expired. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Anchor Communications Corporation immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Anchor Communications Corporation at Docket No. A-310445 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-648. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson; Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Association Administrators, Inc. (1998.0232.01); Doc. No. C-00015662; A-310527*

**Default Order***By the Commission:*

On June 19, 2001, the Law Bureau Prosecutory Staff filed a Formal Complaint proceeding against Association Administrators, Inc. (Respondent), an IXC reseller certificated at A-310527. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, service of the Complaint was perfected on June 21, 2001. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Order upon all jurisdictional telecommunication carriers and also cause a copy of this Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Association Administrators, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this Order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication and without further action by the Commission, the certificate of public convenience held by Association Administrators, Inc. at A-310527 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-649. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzingrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Atlantic Telephone Company, Inc.*  
(1998.0232.01); *Doc. No. C-20015678; A-310787*

**Default Order***By the Commission:*

On June 22, 2001, the Law Bureau Prosecutory Staff filed a Complaint proceeding against Atlantic Telephone Company, Inc. (Respondent), an IXC reseller certificated at A-310787. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504, its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, the forwarding order expired. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Atlantic Telephone Company, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Atlantic Telephone Company, Inc. at Docket No. A-310787 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-650. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzingrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Atlas Equity, Inc. (1998.0232.01);  
Doc. No. C-20015718; A-310648*

**Default Order***By the Commission:*

On June 25, 2001, the Law Bureau Prosecutory Staff filed a Formal Complaint proceeding against Atlas Equity, Inc. (Respondent), an IXC reseller certificated at A-310648. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, service of the Complaint was perfected on July 5, 2001. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Order upon all jurisdictional telecommunication carriers and also cause a copy of this Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Atlas Equity, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this Order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication and without further action by the Commission, the certificate of public convenience held by Atlas Equity, Inc. at A-310648 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-651. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. BFI Communications, Inc.*  
(1998.0232.01); Doc. No. C-20015670; A-310473

**Default Order***By the Commission:*

On June 22, 2001, the Law Bureau Prosecutory Staff filed a Complaint proceeding against BFI Communications, Inc. (Respondent), an IXC reseller certificated at A-310473. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504, its 1999 Annual Report was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, the Complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. BFI Communications, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by BFI Communications, Inc. at Docket No. A-310473 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-652. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. BNI Telecommunications, Inc.*  
(1998.0232.01); Doc. No. C-20015675; A-310465

**Default Order***By the Commission:*

On June 22, 2001, the Law Bureau Prosecutory Staff filed a Formal Complaint proceeding against BNI Telecommunications, Inc. (Respondent), an IXC reseller certificated at A-310465. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, service of the Complaint was perfected on June 25, 2001. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Order upon all jurisdictional telecommunication carriers and also cause a copy of this Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. BNI Telecommunications, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this Order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication and without further action by the Commission, the certificate of public convenience held by BNI Telecommunications, Inc. at A-310465 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-653. Filed for public inspection April 19, 2002, 9:00 a.m.]

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Order upon all jurisdictional telecommunication carriers and also cause a copy of this Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Blackstone Communications Company immediately cease providing service to any new customers and, within 10 days of the entry date of this Order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication and without further action by the Commission, the certificate of public convenience held by Blackstone Communications Company at A-310821 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-654. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Blackstone Communications Com-  
pany (1998.0232.01); Doc. No. C-20015695; A-310821*

**Default Order***By the Commission:*

On June 25, 2001, the Law Bureau Prosecutory Staff filed a Formal Complaint proceeding against Blackstone Communications Company (Respondent), an IXC reseller certificated at A-310821. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, service of the Complaint was perfected on June 20, 2001. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Broadpoint Communications, Inc.  
(1998.0232.01); Doc. No. C-20015679; A-310790*

**Default Order***By the Commission:*

On June 22, 2001, the Law Bureau Prosecutory Staff filed a Complaint proceeding against Broadpoint Communications, Inc. (Respondent), an IXC reseller certificated at A-310790. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504, its 1999 Annual Report was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 504 by neither failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, the Complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*



*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Broadpoint Communications, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Broadpoint Communications, Inc. at Docket No. A-310790 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-655. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson; Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Broadstream Corporation (1998.0232.01); Doc. No. C-20015698; A-310837*

**Default Order***By the Commission:*

On June 12, 2001, the Law Bureau Prosecutory Staff filed a Formal Complaint proceeding against Broadstream Corporation (Respondent), an IXC reseller certificated at A-310837. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, service of the Complaint was perfected on June 29, 2001. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Order upon all jurisdictional telecommunication carriers and also cause a copy of this Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Broadstream Corporation immediately cease providing service to any new customers and, within 10 days of the entry date of this Order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication and without further action by the Commission, the certificate of public convenience held by Broadstream Corporation at A-310837 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-656. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson; Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Business Options, Inc. (1998.0232.01); Doc. No. C-20015739; A-310390*

**Default Order***By the Commission:*

On June 25, 2001, the Law Bureau Prosecutory Staff filed a Formal Complaint proceeding against Business Options, Inc. (Respondent), an IXC reseller certificated at A-310390. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, service of the Complaint was perfected on July 2, 2001. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Order upon all jurisdictional telecommunication carriers and also cause a copy of this Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Business Options, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this Order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication and without further action by the Commission, the certificate of public convenience held by Business Options, Inc. at A-310390 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-657. Filed for public inspection April 19, 2002, 9:00 a.m.]

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Order upon all jurisdictional telecommunication carriers and also cause a copy of this Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Buyers United International, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this Order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication and without further action by the Commission, the certificate of public convenience held by Buyers United International, Inc. at A-310662 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-658. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Buyers United International, Inc.*  
(1998.0232.01); Doc. No. C-20015714; A-310662

**Default Order***By the Commission:*

On June 25, 2001, the Law Bureau Prosecutory Staff filed a Formal Complaint proceeding against Buyers United International, Inc. (Respondent), an IXC reseller certificated at A-310662. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, service of the Complaint was perfected on June 28, 2001. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. CTN Telephone Network, Inc.*  
(1998.0232.01); Doc. No. C-20015747; A-310399

**Default Order***By the Commission:*

On June 25, 2001, the Law Bureau Prosecutory Staff filed a Complaint proceeding against CTN Telephone Network, Inc. (Respondent), an IXC reseller certificated at A-310399. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504, its 1999 Annual Report was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, the Complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. CTN Telephone Network, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by CTN Telephone Network, Inc. at Docket No. A-310399 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-659. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Call Plus, Inc. (1998.0232.01); Doc.  
No. C-00015660; A-310551*

**Default Order***By the Commission:*

On June 19, 2001, the Law Bureau Prosecutory Staff filed a Complaint proceeding against Call Plus, Inc. (Respondent), an IXC reseller certificated at A-310551. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504, its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, the forwarding order expired. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Call Plus, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Call Plus, Inc. at Docket No. A-310551 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-660. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Call Technology Corporation  
(1998.0232.01); Doc. No. C-00015572; A-310055*

**Default Order***By the Commission:*

On June 18, 2001, the Law Bureau Prosecutory Staff filed a Complaint proceeding against Call Technology Corporation (Respondent), an IXC reseller certificated at A-310055. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504, its 1999 Annual Report was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 504 by neither failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, the Complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Call Technology Corporation immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Call Technology Corporation at Docket No. A-310055 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 02-661. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Colorado River Communications  
(1998.0232.01); Doc. No. C-20015746; A-310217*

**Default Order***By the Commission:*

On June 25, 2001, the Law Bureau Prosecutory Staff filed a Complaint proceeding against Colorado River Communications (Respondent), an IXC reseller certificated at A-310217. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504, its 1999 Annual Report was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, the Complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Colorado River Communications immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Colorado River Communications at Docket No. A-310217 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 02-662. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Comcentral Corporation  
(1998.0232.01); Doc. No. C-00015628; A-310231*

**Default Order***By the Commission:*

On June 18, 2001, the Law Bureau Prosecutory Staff filed a Complaint proceeding against Comcentral Corporation (Respondent), an IXC reseller certificated at A-310231. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504, its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by neither failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, the forwarding order expired. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Comcentral Corporation immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Comcentral Corporation at Docket No. A-310231 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-663. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Communication Network Intl. Ltd.  
(1998.0232.01); Doc. No. C-00015626; A-310248*

**Default Order***By the Commission:*

On June 8, 2001, the Law Bureau Prosecutory Staff filed a Complaint proceeding against Communication Network Intl. Ltd. (Respondent), an IXC reseller certificated at A-310248. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504, its 1999 Annual Report was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, the Complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Communication Network Intl. Ltd. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Communication Network Intl. Ltd. at Docket No. A-310248 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-664. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Communication Network Services  
LLC (1998.0232.01); Doc. No. C-20015717; A-310655*

**Default Order***By the Commission:*

On June 25, 2001, the Law Bureau Prosecutory Staff filed a Complaint proceeding against Communication Network Services LLC (Respondent), an IXC reseller certificated at A-310655. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504, its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, the forwarding order expired. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Communication Network Services LLC immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Communication Network Services LLC at Docket No. A-310655 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 02-665. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzingrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Consolidated Billing Provider  
(1998.0232.01); Doc. No. C-00015639; A-310746*

**Default Order***By the Commission:*

On June 19, 2001, the Law Bureau Prosecutory Staff filed a Formal Complaint proceeding against Consolidated Billing Provider (Respondent), an IXC reseller certificated at A-310746. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, service of the Complaint was perfected on June 26, 2001. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Order upon all jurisdictional telecommunication carriers and also cause a copy of this Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Consolidated Billing Provider immediately cease providing service to any new customers and, within 10 days of the entry date of this Order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication and without further action by the Commission, the certificate of public convenience held by Consolidated Billing Provider at A-310746 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 02-666. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzingrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Corporate Services Telecom, Inc.  
(1998.0232.01); Doc. No. C-20015731; A-310383*

**Default Order***By the Commission:*

On June 25, 2001, the Law Bureau Prosecutory Staff filed a Formal Complaint proceeding against Corporate Services Telecom, Inc. (Respondent), an IXC reseller certificated at A-310383. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, service of the Complaint was perfected. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Order upon all jurisdictional telecommunication carriers and also cause a copy of this Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Corporate Services Telecom, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this Order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication and without further action by the Commission, the certificate of public convenience held by Corporate Services Telecom, Inc. at A-310383 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-667. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Covista, Inc. (1998.0232.01); Doc.  
No. C-20015726; A-310640*

**Default Order***By the Commission:*

On June 25, 2001, the Law Bureau Prosecutory Staff filed a Formal Complaint proceeding against Covista, Inc. (Respondent), an IXC reseller certificated at A-310640. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, service of the Complaint was perfected on July 5, 2001. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Order upon all jurisdictional telecommunication carriers and also cause a copy of this Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Covista, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this Order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication and without further action by the Commission, the certificate of public convenience held by Covista, Inc. at A-310640 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-668. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. C-Phone Corporation  
(1998.0232.01); Doc. No. C-00015661; A-310541*

**Default Order***By the Commission:*

On June 19, 2001, the Law Bureau Prosecutory Staff filed a Formal Complaint proceeding against C-Phone Corporation (Respondent), an IXC reseller certificated at A-310541. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, service of the Complaint was perfected on June 21, 2001. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Order upon all jurisdictional telecommunication carriers and also cause a copy of this Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. C-Phone Corporation immediately cease providing service to any new customers and, within 10 days of the entry date of this Order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication and without further action by the Commission, the certificate of public convenience held by C-Phone Corporation at A-310541 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-669. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Cybersentry, Inc. (1998.0232.01);  
Doc. No. C-00015632; A-310224*

**Default Order***By the Commission:*

On June 18, 2001, the Law Bureau Prosecutory Staff filed a Complaint proceeding against Cybersentry, Inc. (Respondent), an IXC reseller certificated at A-310224. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504, its 1999 Annual Report was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, the Complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Cybersentry, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Cybersentry, Inc. at Docket No. A-310224 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-670. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Digital Services Corporation  
(1998.0232.01); Doc. No. C-20015672; A-310412*

**Default Order***By the Commission:*

On June 25, 2001, the Law Bureau Prosecutory Staff filed a Formal Complaint proceeding against Digital Services Corporation (Respondent), an IXC reseller certificated at A-310412. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, service of the Complaint was perfected on June 28, 2001. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*



*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Order upon all jurisdictional telecommunication carriers and also cause a copy of this Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Digital Services Corporation immediately cease providing service to any new customers and, within 10 days of the entry date of this Order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication and without further action by the Commission, the certificate of public convenience held by Digital Services Corporation at A-310412 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-671. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Digital Technologies, Inc.*  
(1998.0232.01); Doc. No. C-20015669; A-310486

**Default Order***By the Commission:*

On June 22, 2001, the Law Bureau Prosecutory Staff filed a Complaint proceeding against Digital Technologies, Inc. (Respondent), an IXC reseller certificated at A-310486. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504, its 1999 Annual Report was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, the Complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Digital Technologies, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Digital Technologies, Inc. at Docket No. A-310486 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-672. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Discount Call Rating, Inc.*  
(1998.0232.01); Doc. No. C-00015659; A-310552

**Default Order***By the Commission:*

On June 19, 2001, the Law Bureau Prosecutory Staff filed a Complaint proceeding against Discount Call Rating, Inc. (Respondent), an IXC reseller certificated at A-310552. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504, its 1999 Annual Report was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, the Complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Discount Call Rating, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Discount Call Rating, Inc. at Docket No. A-310552 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-673. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Eagle Telecom, Inc. (1998.0232.01);  
Doc. No. C-20015704; A-310710*

**Default Order***By the Commission:*

On June 25, 2001, the Law Bureau Prosecutory Staff filed a Complaint proceeding against Eagle Telecom, Inc. (Respondent), an IXC reseller certificated at A-310710. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504, its 1999 Annual Report was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, the Complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Eagle Telecom, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Eagle Telecom, Inc. at Docket No. A-310710 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-674. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Empire One Communications  
(1998.0232.01); Doc. No. C-20015735; A-310907*

**Default Order***By the Commission:*

On June 25, 2001, the Law Bureau Prosecutory Staff filed a Complaint proceeding against Empire One Communications (Respondent), an IXC reseller certificated at A-310907. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504, its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, the forwarding order expired. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Empire One Communications immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Empire One Communications at Docket No. A-310907 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-675. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson; Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Enterprise Telecom Services, Inc. (1998.0232.01); Doc. No. C-00015569; A-310067*

**Default Order***By the Commission:*

On June 18, 2001, the Law Bureau Prosecutory Staff filed a Complaint proceeding against Enterprise Telecom Services, Inc. (Respondent), an IXC reseller certificated at A-310067. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504, its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, the forwarding order expired. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Enterprise Telecom Services, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Enterprise Telecom Services, Inc. at Docket No. A-310067 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-676. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson; Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Fairpoint Communication Solutions Corporation (1998.0232.01); Doc. No. C-20015706; A-310725*

**Default Order***By the Commission:*

On June 25, 2001, the Law Bureau Prosecutory Staff filed a Formal Complaint proceeding against Fairpoint Communication Solutions Corporation (Respondent), an IXC reseller certificated at A-310725. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, service of the Complaint was perfected on June 28, 2001. To date, more than 20 days later, no answer has

been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Order upon all jurisdictional telecommunication carriers and also cause a copy of this Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Fairpoint Communication Solutions Corporation immediately cease providing service to any new customers and, within 10 days of the entry date of this Order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication and without further action by the Commission, the certificate of public convenience held by Fairpoint Communication Solutions Corporation at A-310725 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-677. Filed for public inspection April 19, 2002, 9:00 a.m.]

### Default Order

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson; Robert K. Bloom, Vice-Chairperson; Kim Pizzingrilli; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Financial Intranet, Inc. (1998.0232.01); Doc. Nos. C-20015687 and C-20015737; A-310805*

### Default Order

*By the Commission:*

On June 22, 2001, the Law Bureau Prosecutory Staff filed a Formal Complaint proceeding against Financial Intranet, Inc. (Respondent), an IXC reseller certificated at A-310805. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, service of the Complaint was perfected on June 27, 2001. To date, more than 20 days later, no answer has

been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Order upon all jurisdictional telecommunication carriers and also cause a copy of this Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Financial Intranet, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this Order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication and without further action by the Commission, the certificate of public convenience held by Financial Intranet, Inc. at A-310805 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-678. Filed for public inspection April 19, 2002, 9:00 a.m.]

### Default Order

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson; Robert K. Bloom, Vice-Chairperson; Kim Pizzingrilli; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Five Star Telecom, Inc. (1998.0232.01); Doc. No. C-20015676; A-310453*

### Default Order

*By the Commission:*

On June 22, 2001, the Law Bureau Prosecutory Staff filed a Complaint proceeding against Five Star Telecom, Inc. (Respondent), an IXC reseller certificated at A-310453. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504, its 1999 Annual Report was due.

The complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report. The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, the Complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Five Star Telecom, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Five Star Telecom, Inc. at Docket No. A-310453 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-679. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson; Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Freedom Communications Corporation (1998.0232.01); Doc. No. C-20015741; A-310368*

**Default Order***By the Commission:*

On June 25, 2001, the Law Bureau Prosecutory Staff filed a Complaint proceeding against Freedom Communications Corporation (Respondent), an IXC reseller certificated at A-310368. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504, its 1999 Annual Report was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, the Complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Freedom Communications Corporation immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Freedom Communications Corporation at Docket No. A-310368 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-680. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson; Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. GTN Corporation (1998.0232.01); Doc. No. C-20015744; A-310398*

**Default Order***By the Commission:*

On June 25, 2001, the Law Bureau Prosecutory Staff filed a Formal Complaint proceeding against GTN Corporation (Respondent), an IXC reseller certificated at A-310398. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, service of the Complaint was perfected on July 6, 2001. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Order upon all jurisdictional telecommunication carriers and also cause a copy of this Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. GTN Corporation immediately cease providing service to any new customers and, within 10 days of the entry date of this Order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication and without further action by the Commission, the certificate of public convenience held by GTN Corporation at A-310398 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-681. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Gillette Global Network, Inc.*  
(1998.0232.01); Doc. No. C-20015742; A-310366

**Default Order***By the Commission:*

On June 25, 2001, the Law Bureau Prosecutory Staff filed a Formal Complaint proceeding against Gillette Global Network, Inc. (Respondent), an IXC reseller certificated at A-310366. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, service of the Complaint was perfected on June 28, 2001. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Order upon all jurisdictional telecommunication carriers and also cause a copy of this Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Gillette Global Network, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this Order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication and without further action by the Commission, the certificate of public convenience held by Gillette Global Network, Inc. at A-310366 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-682. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Global Telemedia International, Inc.*  
(1998.0232.01); Doc. No. C-20015743; A-310370

**Default Order***By the Commission:*

On June 25, 2001, the Law Bureau Prosecutory Staff filed a Complaint proceeding against Global Telemedia International, Inc. (Respondent), an IXC reseller certificated at A-310370. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504, its 1999 Annual Report was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, the Complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Global Telemedia International, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Global Telemedia International, Inc. at Docket No. A-310370 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-683. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson; Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Global Telesys Corporation (1998.0232.01); Doc. No. C-00015644; A-310733*

**Default Order***By the Commission:*

On June 19, 2001, the Law Bureau Prosecutory Staff filed a Formal Complaint proceeding against Global Telesys Corporation (Respondent), an IXC reseller certificated at A-310733. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, service of the Complaint was perfected. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Order upon all jurisdictional telecommunication carriers and also cause a copy of this Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Global Telesys Corporation immediately cease providing service to any new customers and, within 10 days of the entry date of this Order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication and without further action by the Commission, the certificate of public convenience held by Global Telesys Corporation at A-310733 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-684. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson; Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Global Wats One, Inc. (1998.0232.01); Doc. No. C-00015620; A-310219*

**Default Order***By the Commission:*

On June 18, 2001, the Law Bureau Prosecutory Staff filed a Complaint proceeding against Global Wats One, Inc. (Respondent), an IXC reseller certificated at A-310219. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504, its 1999 Annual Report was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, the Complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Global Wats One, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Global Wats One, Inc. at Docket No. A-310219 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 02-685. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Halo Telecom, Inc. (1998.0232.01);  
Doc. No. C-20015668; A-310487*

**Default Order***By the Commission:*

On June 22, 2001, the Law Bureau Prosecutory Staff filed a Formal Complaint proceeding against Halo Telecom, Inc. (Respondent), an IXC reseller certificated at A-310487. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, service of the Complaint was perfected on June 27, 2001. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Order upon all jurisdictional telecommunication carriers and also cause a copy of this Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Halo Telecom, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this Order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication and without further action by the Commission, the certificate of public convenience held by Halo Telecom, Inc. at A-310487 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 02-686. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Hospitality Communications Corp  
(1998.0232.01); Doc. No. C-00015618; A-310154*

**Default Order***By the Commission:*

On June 18, 2001, the Law Bureau Prosecutory Staff filed a Complaint proceeding against Hospitality Communications Corp (Respondent), an IXC reseller certificated at A-310154. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504, its 1999 Annual Report was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, the Complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*



*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Hospitality Communications Corp immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Hospitality Communications Corp at Docket No. A-310154 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-687. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson; Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Intelicom International Corporation (1998.0232.01); Doc. No. C-20015745; A-310391*

**Default Order***By the Commission:*

On June 25, 2001, the Law Bureau Prosecutory Staff filed a Complaint proceeding against Intelicom International Corporation (Respondent), an IXC reseller certificated at A-310391. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504, its 1999 Annual Report was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, the Complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Intelicom International Corporation immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Intelicom International Corporation at Docket No. A-310391 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-688. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson; Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. International Communications Group Ltd. (1998.0232.01); Doc. No. C-20015750; A-310339*

**Default Order***By the Commission:*

On June 25, 2001, the Law Bureau Prosecutory Staff filed a Complaint proceeding against International Communications Group Ltd. (Respondent), an IXC reseller certificated at A-310339. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504, its 1999 Annual Report was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, the Complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. International Communications Group Ltd. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by International Communications Group Ltd. at Docket No. A-310339 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-689. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. International Gateway Communica-  
tions (1998.0232.01); Doc. No. C-20015666; A-310511*

**Default Order***By the Commission:*

On June 22, 2001, the Law Bureau Prosecutory Staff filed a Complaint proceeding against International Gateway Communications (Respondent), an IXC reseller certificated at A-310511. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504, its 1999 Annual Report was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, the Complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. International Gateway Communications immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by International Gateway Communications at Docket No. A-310511 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-690. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Long Distance America, Inc.  
(1998.0232.01); Doc. No. C-00015631; A-310773*

**Default Order***By the Commission:*

On June 18, 2001, the Law Bureau Prosecutory Staff filed a Formal Complaint proceeding against Long Distance America, Inc. (Respondent), an IXC reseller certificated at A-310773. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, service of the Complaint was perfected on July 17, 2001. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Order upon all jurisdictional telecommunication carriers and also cause a copy of this Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Long Distance America, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this Order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication and without further action by the Commission, the certificate of public convenience held by Long Distance America, Inc. at A-310773 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-691. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson; Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. MBE Communications, Inc. (1998.0232.01); Doc. No. C-00015617; A-310187*

**Default Order***By the Commission:*

On June 18, 2001, the Law Bureau Prosecutory Staff filed a Complaint proceeding against MBE Communications, Inc. (Respondent), an IXC reseller certificated at A-310187. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504, its 1999 Annual Report was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, the Complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. MBE Communications, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by MBE Communications, Inc. at Docket No. A-310187 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-692. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson; Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Metrolink Communications, Inc. (1998.0232.01); Doc. No. C-20015752; A-310385*

**Default Order***By the Commission:*

On June 25, 2001, the Law Bureau Prosecutory Staff filed a Complaint proceeding against Metrolink Communications, Inc. (Respondent), an IXC reseller certificated at A-310385. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504, its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, the forwarding order expired. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Metrolink Communications, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Metrolink Communications, Inc. at Docket No. A-310385 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 02-693. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzingrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Millenium Group Telemanagement  
(1998.0232.01); Doc. No. C-20015667; A-310498*

**Default Order***By the Commission:*

On June 22, 2001, the Law Bureau Prosecutory Staff filed a Formal Complaint proceeding against Millenium Group Telemanagement (Respondent), an IXC reseller certificated at A-310498. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, service of the Complaint was perfected on June 25, 2001. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Order upon all jurisdictional telecommunication carriers and also cause a copy of this Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Millenium Group Telemanagement immediately cease providing service to any new customers and, within 10 days of the entry date of this Order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication and without further action by the Commission, the certificate of public convenience held by Millenium Group Telemanagement at A-310498 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 02-694. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzingrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. National Collegiate, Inc.  
(1998.0232.01); Doc. No. C-20015699; A-310671*

**Default Order***By the Commission:*

On June 25, 2001, the Law Bureau Prosecutory Staff filed a Formal Complaint proceeding against National Collegiate, Inc. (Respondent), an IXC reseller certificated at A-310671. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, service of the Complaint was perfected on June 27, 2001. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Order upon all jurisdictional telecommunication carriers and also cause a copy of this Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. National Collegiate, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this Order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication and without further action by the Commission, the certificate of public convenience held by National Collegiate, Inc. at A-310671 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-695. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. National Telecom, Inc.*  
(1998.0232.01); Doc. No. C-20015728; A-310639

**Default Order***By the Commission:*

On June 25, 2001, the Law Bureau Prosecutory Staff filed a Complaint proceeding against National Telecom, Inc. (Respondent), an IXC reseller certificated at A-310639. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504, its 1999 Annual Report was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, the Complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. National Telecom, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by National Telecom, Inc. at Docket No. A-310639 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-696. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Network International LC*  
(1998.0232.01); Doc. No. C-00015642; A-310735

**Default Order***By the Commission:*

On June 19, 2001, the Law Bureau Prosecutory Staff filed a Complaint proceeding against Network International LC (Respondent), an IXC reseller certificated at A-310735. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504, its 1999 Annual Report was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, the Complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Network International LC immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Network International LC at Docket No. A-310735 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. McNULTY,  
Secretary

[Pa.B. Doc. No. 02-697. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. New Concept Communications LLC  
(1998.0232.01); Doc. No. C-00015651; A-310591*

**Default Order***By the Commission:*

On June 19, 2001, the Law Bureau Prosecutory Staff filed a Complaint proceeding against New Concept Communications LLC (Respondent), an IXC reseller certificated at A-310591. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504, its 1999 Annual Report was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, the Complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. New Concept Communications LLC immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by New Concept Communications LLC at Docket No. A-310591 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. McNULTY,  
Secretary

[Pa.B. Doc. No. 02-698. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. New Millenium Communications  
(1998.0232.01); Doc. No. C-20015732; A-310723*

**Default Order***By the Commission:*

On June 25, 2001, the Law Bureau Prosecutory Staff filed a Complaint proceeding against New Millenium Communications (Respondent), an IXC reseller certificated at A-310723. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504, its 1999 Annual Report was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, the Complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. New Millenium Communications immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by New Millenium Communications at Docket No. A-310723 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-699. Filed for public inspection April 19, 2002, 9:00 a.m.]

#### Default Order

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. New Millennium Conquest Service Corporation (1998.0232.01); Doc. No. C-00015634; A-310777*

#### Default Order

*By the Commission:*

On June 18, 2001, the Law Bureau Prosecutory Staff filed a Complaint proceeding against New Millennium Conquest Service Corporation (Respondent), an IXC reseller certificated at A-310777. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504, its 1999 Annual Report was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, the Complaint was unclaimed. To date, more than

20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. New Millennium Conquest Service Corporation immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by New Millennium Conquest Service Corporation at Docket No. A-310777 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-700. Filed for public inspection April 19, 2002, 9:00 a.m.]

#### Default Order

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. North American Communications Group, Inc. (1998.0232.01); Doc. No. C-20015753; A-310270*

#### Default Order

*By the Commission:*

On June 25, 2001, the Law Bureau Prosecutory Staff filed a Complaint proceeding against North American Communications Group, Inc. (Respondent), an IXC reseller certificated at A-310270. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504, its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, the forwarding order expired. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. North American Communications Group, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by North American Communications Group, Inc. at Docket No. A-310270 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-701. Filed for public inspection April 19, 2002, 9:00 a.m.]

#### Default Order

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Nova Telecom, Inc. (1998.0232.01);  
Doc. No. C-20015725; A-310641*

#### Default Order

*By the Commission:*

On June 25, 2001, the Law Bureau Prosecutory Staff filed a Formal Complaint proceeding against Nova Telecom, Inc. (Respondent), an IXC reseller certificated at A-310641. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, service of the Complaint was perfected on June 27, 2001. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Order upon all jurisdictional telecommunication carriers and also cause a copy of this Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Nova Telecom, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this Order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication and without further action by the Commission, the certificate of public convenience held by Nova Telecom, Inc. at A-310641 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-702. Filed for public inspection April 19, 2002, 9:00 a.m.]

#### Default Order

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. 1 Plus Savings, Inc. (1998.0232.01);  
Doc. No. C-20015700; A-310686*

#### Default Order

*By the Commission:*

On June 25, 2001, the Law Bureau Prosecutory Staff filed a Formal Complaint proceeding against 1 Plus Savings, Inc. (Respondent), an IXC reseller certificated at A-310686. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.



According to the United States Postal Service return receipt, service of the Complaint was perfected on July 12, 2001. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Order upon all jurisdictional telecommunication carriers and also cause a copy of this Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. 1 Plus Savings, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this Order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication and without further action by the Commission, the certificate of public convenience held by 1 Plus Savings, Inc. at A-310686 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-703. Filed for public inspection April 19, 2002, 9:00 a.m.]

#### Default Order

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson; Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Overlook Communications International (1998.0232.01); Doc. No. C-0015614; A-310359*

#### Default Order

*By the Commission:*

On June 25, 2001, the Law Bureau Prosecutory Staff filed a Complaint proceeding against Overlook Communications International (Respondent), an IXC reseller certificated at A-310359. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504, its 1999 Annual Report was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, the Complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Overlook Communications International immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Overlook Communications International at Docket No. A-310359 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-704. Filed for public inspection April 19, 2002, 9:00 a.m.]

#### Default Order

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson; Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Ozark Telecom, Inc. (1998.0232.01); Doc. No. C-20015696; A-310823*

#### Default Order

*By the Commission:*

On June 25, 2001, the Law Bureau Prosecutory Staff filed a Formal Complaint proceeding against Ozark Telecom, Inc. (Respondent), an IXC reseller certificated at A-310823. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, service of the Complaint was perfected on July 2, 2001. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Order upon all jurisdictional telecommunication carriers and also cause a copy of this Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Ozark Telecom, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this Order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication and without further action by the Commission, the certificate of public convenience held by Ozark Telecom, Inc. at A-310823 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-705. Filed for public inspection April 19, 2002, 9:00 a.m.]

### Default Order

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. PNV.NET, Inc. (1998.0232.01); Doc.  
No. C-20015710; A-310672*

### Default Order

*By the Commission:*

On June 25, 2001, the Law Bureau Prosecutory Staff filed a Complaint proceeding against PNV.NET, Inc. (Respondent), an IXC reseller certificated at A-310672. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504, its 1999 Annual Report was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, the Complaint was refused. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. PNV.NET, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by PNV.NET, Inc. at Docket No. A-310672 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-706. Filed for public inspection April 19, 2002, 9:00 a.m.]

### Default Order

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Primetel Communications, Inc.  
(1998.0232.01); Doc. No. C-20015754; A-310365*

### Default Order

*By the Commission:*

On June 25, 2001, the Law Bureau Prosecutory Staff filed a Formal Complaint proceeding against Primetel Communications, Inc. (Respondent), an IXC reseller certificated at A-310365. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, service of the Complaint was perfected on June

27, 2001. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore*,

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Order upon all jurisdictional telecommunication carriers and also cause a copy of this Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Primetel Communications, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this Order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication and without further action by the Commission, the certificate of public convenience held by Primetel Communications, Inc. at A-310365 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-707. Filed for public inspection April 19, 2002, 9:00 a.m.]

### Default Order

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson; Robert K. Bloom, Vice-Chairperson; Kim Pizzingrilli; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. RDST, Inc. (1998.0232.01); Doc. No. C-20015694; A-310819*

### Default Order

*By the Commission:*

On June 25, 2001, the Law Bureau Prosecutory Staff filed a Formal Complaint proceeding against RDST, Inc. (Respondent), an IXC reseller certificated at A-310819. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, service of the Complaint was perfected on July 2, 2001. To date, more than 20 days later, no answer has

been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore*,

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Order upon all jurisdictional telecommunication carriers and also cause a copy of this Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. RDST, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this Order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication and without further action by the Commission, the certificate of public convenience held by RDST, Inc. at A-310819 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-708. Filed for public inspection April 19, 2002, 9:00 a.m.]

### Default Order

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson; Robert K. Bloom, Vice-Chairperson; Kim Pizzingrilli; Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. STA Telecommunications Corporation (1998.0232.01); Doc. No. C-20015671; A-310431*

### Default Order

*By the Commission:*

On June 22, 2001, the Law Bureau Prosecutory Staff filed a Complaint proceeding against STA Telecommunications Corporation (Respondent), an IXC reseller certificated at A-310431. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504, its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, the forwarding order expired. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore*,

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. STA Telecommunications Corporation immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by STA Telecommunications Corporation at Docket No. A-310431 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-709. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Securfone America, Inc.*  
(1998.0232.01); Doc. No. C-00015657; A-310564

**Default Order***By the Commission:*

On June 19, 2001, the Law Bureau Prosecutory Staff filed a Complaint proceeding against Securfone America, Inc. (Respondent), an IXC reseller certificated at A-310564. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504, its 1999 Annual Report was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, the Complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Securfone America, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Securfone America, Inc. at Docket No. A-310564 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-710. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Service Electric Cable TV, Inc.*  
(1998.0232.01); Doc. No. C-00015650; A-310605

**Default Order***By the Commission:*

On June 19, 2001, the Law Bureau Prosecutory Staff filed a Formal Complaint proceeding against Service Electric Cable TV, Inc. (Respondent), an IXC reseller certificated at A-310605. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, service of the Complaint was perfected on June 20, 2001. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Order upon all jurisdictional telecommunication carriers and also cause a copy of this Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Service Electric Cable TV, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this Order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication and without further action by the Commission, the certificate of public convenience held by Service Electric Cable TV, Inc. at A-310605 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-711. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Shared Comm of ESR, Inc.  
(1998.0232.01); Doc. No. C-00015616; A-310137*

**Default Order***By the Commission:*

On June 18, 2001, the Law Bureau Prosecutory Staff filed a Formal Complaint proceeding against Shared Comm of ESR, Inc. (Respondent), an IXC reseller certificated at A-310137. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, service of the Complaint was perfected on June 21, 2001. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Order upon all jurisdictional telecommunication carriers and also cause a copy of this Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Shared Comm of ESR, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this Order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication and without further action by the Commission, the certificate of public convenience held by Shared Comm of ESR, Inc. at A-310137 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-712. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Speer Comm Virtual Media, Inc.  
(1998.0232.01); Doc. No. C-20015683; A-310799*

**Default Order***By the Commission:*

On June 22, 2001, the Law Bureau Prosecutory Staff filed a Complaint proceeding against Speer Comm Virtual Media, Inc. (Respondent), an IXC reseller certificated at A-310799. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504, its 1999 Annual Report was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, the Complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Speer Comm Virtual Media, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Speer Comm Virtual Media, Inc. at Docket No. A-310799 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-713. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Summit Telecommunications, Inc.*  
(1998.0232.01); Doc. No. C-00015629; A-310220

**Default Order***By the Commission:*

On June 18, 2001, the Law Bureau Prosecutory Staff filed a Complaint proceeding against Summit Telecommunications, Inc. (Respondent), an IXC reseller certificated at A-310220. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504, its 1999 Annual Report was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, the Complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Summit Telecommunications, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Summit Telecommunications, Inc. at Docket No. A-310220 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-714. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Telecom America, Inc.*  
(1998.0232.01); Doc. No. C-00015623; A-310228

**Default Order***By the Commission:*

On June 18, 2001, the Law Bureau Prosecutory Staff filed a Complaint proceeding against Telecom America, Inc. (Respondent), an IXC reseller certificated at A-310228. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504, its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, the forwarding order expired. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Telecom America, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Telecom America, Inc. at Docket No. A-310228 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-715. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Teleconcepts, Inc. (1998.0232.01);  
Doc. No. C-00015578; A-310131*

**Default Order***By the Commission:*

On June 18, 2001, the Law Bureau Prosecutory Staff filed a Formal Complaint proceeding against Teleconcepts, Inc. (Respondent), an IXC reseller certificated at A-310131. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, service of the Complaint was perfected on June 20, 2001. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Order upon all jurisdictional telecommunication carriers and also cause a copy of this Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Teleconcepts, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this Order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication and without further action by the Commission, the certificate of public convenience held by Teleconcepts, Inc. at A-310131 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-716. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Tel-Save, Inc. (1998.0232.01); Doc.  
No. C-00015615; A-310073*

**Default Order***By the Commission:*

On June 18, 2001, the Law Bureau Prosecutory Staff filed a Formal Complaint proceeding against Tel-Save, Inc. (Respondent), an IXC reseller certificated at A-310073. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, service of the Complaint was perfected on June 21, 2001. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Order upon all jurisdictional telecommunication carriers and also cause a copy of this Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Tel-Save, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this Order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication and without further action by the Commission, the certificate of public convenience held by Tel-Save, Inc. at A-310073 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-717. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Touchtone Network, Inc.*  
(1998.0232.01); Doc. No. C-00015624; A-310230

**Default Order***By the Commission:*

On June 18, 2001, the Law Bureau Prosecutory Staff filed a Complaint proceeding against Touchtone Network, Inc. (Respondent), an IXC reseller certificated at A-310230. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504, its 1999 Annual Report was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, the Complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Touchtone Network, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Touchtone Network, Inc. at Docket No. A-310230 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-718. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Trucom Corporation (1998.0232.01);  
Doc. No. C-20015680; A-310793*

**Default Order***By the Commission:*

On June 22, 2001, the Law Bureau Prosecutory Staff filed a Formal Complaint proceeding against Trucom Corporation (Respondent), an IXC reseller certificated at A-310793. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, service of the Complaint was perfected on July 5, 2001. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*



*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Order upon all jurisdictional telecommunication carriers and also cause a copy of this Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Trucom Corporation immediately cease providing service to any new customers and, within 10 days of the entry date of this Order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication and without further action by the Commission, the certificate of public convenience held by Trucom Corporation at A-310793 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-719. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Twister Communications Network  
(1998.0232.01); Doc. No. C-20015703; A-310708*

**Default Order***By the Commission:*

On June 25, 2001, the Law Bureau Prosecutory Staff filed a Formal Complaint proceeding against Twister Communications Network (Respondent), an IXC reseller certificated at A-310708. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, service of the Complaint was perfected on July 2, 2001. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Order upon all jurisdictional telecommunication carriers and also cause a copy of this Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Twister Communications Network immediately cease providing service to any new customers and, within 10 days of the entry date of this Order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication and without further action by the Commission, the certificate of public convenience held by Twister Communications Network at A-310708 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-720. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. USBG, Inc. (1998.0232.01); Doc.  
No. C-00015658; A-310559*

**Default Order***By the Commission:*

On June 19, 2001, the Law Bureau Prosecutory Staff filed a Complaint proceeding against USBG, Inc. (Respondent), an IXC reseller certificated at A-310559. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504, its 1999 Annual Report was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, the Complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. USBG, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by USBG, Inc. at Docket No. A-310559 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-721. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. US Mobile Services, Inc.*  
(1998.0232.01); Doc. No. C-00015654; A-310577

**Default Order***By the Commission:*

On June 19, 2001, the Law Bureau Prosecutory Staff filed a Complaint proceeding against US Mobile Services, Inc. (Respondent), an IXC reseller certificated at A-310577. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504, its 1999 Annual Report was due. The complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, the Complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this order upon all jurisdictional telecommunication carriers and also cause a copy of this order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. US Mobile Services, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by US Mobile Services, Inc. at Docket No. A-310577 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-722. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. United States Telecommunications*  
(1998.0232.01); Doc. No. C-20015712; A-310684

**Default Order***By the Commission:*

On June 25, 2001, the Law Bureau Prosecutory Staff filed a Formal Complaint proceeding against United States Telecommunications (Respondent), an IXC reseller certificated at A-310684. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, service of the Complaint was perfected on June 28, 2001. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Order upon all jurisdictional telecommunication carriers and also cause a copy of this Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. United States Telecommunications immediately cease providing service to any new customers and, within 10 days of the entry date of this Order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication and without further action by the Commission, the certificate of public convenience held by United States Telecommunications at A-310684 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-723. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Value Tel, Inc. (1998.0232.01); Doc.  
Nos. C-00015625 and C-00992346; A-310254*

**Default Order***By the Commission:*

On June 18, 2001, the Law Bureau Prosecutory Staff filed a Formal Complaint proceeding against Value Tel, Inc. (Respondent), an IXC reseller certificated at A-310254. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, service of the Complaint was perfected on June 21, 2001. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Order upon all jurisdictional telecommunication carriers and also cause a copy of this Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Value Tel, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this Order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication and without further action by the Commission, the certificate of public convenience held by Value Tel, Inc. at A-310254 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-724. Filed for public inspection April 19, 2002, 9:00 a.m.]

**Default Order**

Public Meeting held  
March 28, 2002

*Commissioners Present:* Glen R. Thomas, Chairperson;  
Robert K. Bloom, Vice-Chairperson; Kim Pizzigrilli;  
Aaron Wilson, Jr.; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Voice Vision International, Inc.  
(1998.0232.01); Doc. No. C-20015697; A-310831*

**Default Order***By the Commission:*

On June 12, 2001, the Law Bureau Prosecutory Staff filed a Formal Complaint proceeding against Voice Vision International, Inc. (Respondent), an IXC reseller certificated at A-310831. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 1999 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 1999 Annual Report.

The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 1999 Annual Report.

According to the United States Postal Service return receipt, service of the Complaint was perfected on June 28, 2001. To date, more than 20 days later, no answer has been filed to the Complaint and the 1999 Annual Report has not been filed; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Order upon all jurisdictional telecommunication carriers and also cause a copy of this Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Voice Vision International, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this Order, provide written notice to any existing customers directing each to select an alternative IXC service provider within 30 days of the date of the notice. The notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 2.

4. Absent the filing of adverse public comment, 30 days after publication and without further action by the Commission, the certificate of public convenience held by Voice Vision International, Inc. at A-310831 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-725. Filed for public inspection April 19, 2002, 9:00 a.m.]

### Gas Service

**A-122350F2007. T. W. Phillips Gas and Oil Company.** Application of T. W. Phillips Gas and Oil Company for approval to discontinue and abandon service to two residential gas customers located in Oliver Township, Jefferson County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before May 6, 2002, under 52 Pa. Code (relating to public utilities).

*Applicant:* T. W. Phillips Gas and Oil Company

*Through and By Counsel:* Jay W. Dawson, Vice President, Legal and Secretary, 205 North Main Street, Butler, PA 16001.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-726. Filed for public inspection April 19, 2002, 9:00 a.m.]

### Railroad With Hearing

**C-20016656. Representative Harhai v. Wheeling and Lake Erie Railroad Company.** Complainant states he had contacted Wheeling and Lake Erie Railroad

approximately 2 years ago concerning a crossing located in Rostraver Township near the City of Monessen border. The area is known as St. Mary's Road and is a continuation of a State Road in Monessen. After several attempts to have the situation corrected, Wheeling and Lake Erie Railroad did correct a portion of the problem. They added safety arms with flashing lights and installed a new drainage line, which now prevents various rodents and mosquitoes from inhabiting this area. It also has railroad rail spikes protruding upward and affecting vehicular traffic. There have been a number of near misses when two vehicles crossover at the same time. Persons unfamiliar with this crossing could very well sustain serious damage to their vehicle or even help to create an accident. The other problem that still exists is the flooring for the actual crossing. It is deplorable to the extent that his office receives and has been receiving complaints for his entire 4 years in office. He wants the Pennsylvania Public Utility Commission to contact Wheeling and Lake Erie Railroad and see when they intend to finish their project at the crossing.

An Initial Hearing on this matter will be held Thursday, June 27, 2002, at 10 a.m. in the 11th Floor Hearing Room, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA, when and where all persons in interest may appear and be heard, if they so desire.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-727. Filed for public inspection April 19, 2002, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before May 13, 2002, as set forth at 52 Pa. Code § 3.381 (relating to the applications for the transportation of property, household goods in use and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

**Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.***

**A-00117567, Folder 2. A-One Limo, Inc.** (3706 Larkin Road, Boothwyn, Delaware County, PA 19061), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, between points in the counties of Bucks, Chester, Delaware, Montgomery, and the city and county of Philadelphia, and from points in said territory, to points in Pennsylvania, and return. *Attorney:* John J. Gallagher, Suite 1100, 1760 Market Street, Philadelphia, PA 19103.

**A-00117894 (Corrected). Francis A. Larkin t/d/b/a Door to Door Limo Service** (633 Laurel Road, Springfield, Delaware County, PA 19064)—persons in limousine service, between points in the city and county of Philadelphia and the county of Delaware, and from points in the said city and counties, to points in Pennsylvania, and return.

**A-00118286 (Corrected). K-Larens Transportation Service, Inc.** (1530 Bustard Road, Lansdale, Montgomery County, PA 19446), a Pennsylvania Corporation—persons in limousine service, between points in counties of Bucks, Chester, Delaware, Lehigh, Montgomery, and the city and county of Philadelphia, and from points in said city and counties, to points in Pennsylvania, and return. *Attorney:* Harold D. Borek, 1995 Morris Road, Suite 100, Blue Bell, PA 19422-1422.

**A-00118593. Besteastern Limousine, Inc.** (2050 South Street, Philadelphia, PA 19146)—persons in limousine service, between in the city and county of Philadelphia, and from points in said city and county, to points in Pennsylvania, and return.

**A-00118782. Aero Coach Limousine, Inc.** (1194 Bartlett Place, Philadelphia, PA 19115) a Pennsylvania corporation—persons in limousine service, between points in the city and county of Philadelphia, and the counties of Bucks, Chester, Delaware and Montgomery, and from points in said city and counties, to points in Pennsylvania, and return. *Attorney:* John J. Gallagher, Suite 1100, 1760 Market Street, Philadelphia, PA 19103.

**A-00118787. Security Limousine, Inc.** (129 Wooded Lane, Villanova, Delaware and Montgomery Counties, PA 19085), a corporation of the Commonwealth of Pennsylvania, persons in limousine service, between points in the city and county of Philadelphia, and within an airline distance of 100 statute miles of the limits of the said city and county. *Attorney:* James M. Pierce, 125 Strafford Avenue, Suite 110, PO Box 312, Wayne, PA 19087.

**A-00118780. Harold K. Witmer t/d/b/a H. K. Pickup & Delivery** (743 Rancks Church Road, New Holland, Lancaster County, PA 17557)—persons in paratransit service, between points in the county of Lancaster, and from points in said county, to points in Pennsylvania, and vice versa, limited to persons whose personal convictions prevent them from owning or operating motor vehicles.

**A-00118804. People United Together (P.U.T.)** (1209 West Lehigh Avenue, city and county of Philadelphia, PA 19133), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, from the facilities of P.U.T. in the city and county of Philadelphia, to correctional facilities at Allenwood and Lewisburg, Union County, and Muncy, Lycoming County, and return.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application**

**A-00118707, Folder 2. AC-Coach Operations, Inc.** (One Anderson Plaza, Greenville, Mercer County, PA 16125), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, between points in Pennsylvania; which is to be a transfer of all of the right authorized under the certificate issued at A-00096222, F. 3 to O. D. Anderson, Inc., subject to the same limitations

and conditions. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15129-2383.

**A-00118707, Folder 3. AC-Coach Operations, Inc.** (One Anderson Plaza, Greenville, Mercer County, PA 16125), a corporation of the Commonwealth of Pennsylvania—persons in group and party service, in vehicles seating 15 passengers or less, including the driver, from points in that part of Pennsylvania lying on and west of a line which is 5 statute miles east of U. S. Highway 219, to points in Pennsylvania; which is to be a transfer of all the right authorized under the certificate issued at A-00096222 to O. D. Anderson, Inc., subject to the same limitations and conditions. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15129-2383.

**A-00118707, Folder 4. AC-Coach Operations, Inc.** (One Anderson Plaza, Greenville, Mercer County, PA 16125), a corporation of the Commonwealth of Pennsylvania—persons on schedule: (1) between the borough of Stoneboro and the city of Sharon, Mercer County, over the following route: Beginning at the intersection of Walnut and Franklin Streets in the borough of Stoneboro, Mercer County, thence on Franklin Street and U. S. Highway Route 62 to the borough of Sandy Lake, thence returning on U. S. Highway Route 62 to the borough of Stoneboro, thence continuing on U. S. Highway 62 through the boroughs of Jackson Center and Mercer to Sharpsville Avenue in the city of Sharon, thence on Sharpsville Avenue, Silver Street, Water Street and State Street to the Union Bus Terminal, thence returning on State Street, Irvine Street, Budd Street, U. S. Highway Route 62 and the same route to the place of beginning; excluding the right to render local service between the northeast limits of the borough of Mercer and the eastern limits of the city of Sharon; and (2) persons together with their baggage and mail, newspapers and express can be transported in buses without the removal of seats between the borough of Greenville, Mercer County, and the Pennsylvania-Ohio state line west of the village of Espyville, Crawford County, over the following route: Beginning on State Highway Traffic Route 18 in the borough of Greenville, Mercer County, thence on State Highway Traffic Route 18 to the village of Hartstown, Crawford County, thence on U. S. Highway Route 322 through the borough of Conneaut Lake to the city of Meadville, thence on U. S. Highway Route 6 through the borough of Conneaut Lake to the borough of Linesville, thence on State Highway Legislative Routes 20006 and 20003 to its intersection with State Highway Traffic Route 285, thence on State Highway Traffic Route 285 through the village of Espyville to the Pennsylvania-Ohio state line, and returning over the same route. *Alternate Route, during the season when Conneaut Lake Park is open:* Beginning at the intersection of U. S. Highway Route 6 and State Highway Traffic Route 618, thence on State Highway Traffic Route 618 through Conneaut Lake Park to its intersection with State Highway Legislative Route 20046 in the village of Harmonsburg, thence on State Highway Legislative Route 20046 to its intersection with U. S. Highway Route 6 and returning over the same route; which is to be a transfer of all the right authorized under the certificate issued at A-00096222, F. 2 to O. D. Anderson, Inc., subject to the same limitations and conditions. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh PA 15219-2383.

**A-00118768. Betty Mendicino t/d/b/a Sewickley Taxi Co.** (626 Blackburn Road, Sewickley, Allegheny County, PA 15143)—persons upon call or demand in the

boroughs of Sewickley, Sewickley Heights and Glenfield and the township of Aleppo, Allegheny County; which is to be a transfer of the rights authorized under the certificate issued at A-00094430 to Patrick Mendicino (deceased) t/d/b/a Sewickley Taxi Co., subject to the same limitations and conditions.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.**

**A-00118783. Russell Chrupalyk t/d/b/a Adelphia Moving and Storage** (P. O. Box 8990, Philadelphia, PA 19135)—household goods in use, between points in the city and county of Philadelphia, and the counties of Bucks and Montgomery.

**Applications of the following for amendment to the certificate of public convenience approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.**

**A-00097418, Folder 1, Am-A. Dorsey M. Meredith t/d/b/a Meredith and Sons Moving, Hauling and Cleaning** (1250 Walnut Street, Harrisburg, Dauphin County, PA 17103)—discontinuance of service—household goods, in use, between points in the city of Harrisburg, Dauphin County.

**A-00104525, Folder 1, Am-A. Bavarian Inn, Inc.** (33 S. South Street, St. Marys, Elk County, PA 15857), a corporation of the Commonwealth of Pennsylvania—discontinuance of service—persons, upon call or demand in the borough of St. Marys and the townships of Benzinger and Fox, Elk County.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-728. Filed for public inspection April 19, 2002, 9:00 a.m.]

### Telecommunications

**A-310130F7002. The United Telephone Company of Pennsylvania d/b/a Sprint and National Telephone Exchange, Inc.** Joint Petition of The United Telephone Company of Pennsylvania d/b/a Sprint and National Telephone Exchange, Inc. for approval of a master interconnection and resale agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania d/b/a Sprint and National Telephone Exchange, Inc. filed on March 25, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of a master interconnection and resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of The United Telephone Company of Pennsylvania d/b/a Sprint and National Telephone Exchange, Inc. Joint Petition are

on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-729. Filed for public inspection April 19, 2002, 9:00 a.m.]

### Telecommunications

**A-310987F7000. Verizon Pennsylvania Inc. and Premiere Network Services, Inc.** Joint Petition of Verizon Pennsylvania Inc. and Premiere Network Services, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania Inc. and Premiere Network Services, Inc. filed on March 26, 2002, at the Pennsylvania Public Utility Commission (Commission), a Joint Petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of Verizon Pennsylvania Inc. and Premiere Network Services, Inc. Joint Petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-730. Filed for public inspection April 19, 2002, 9:00 a.m.]

### Wastewater Service

**A-230073F0005 and A-230536F2000. Pennsylvania-American Water Company and Winona Lakes Utilities, Inc.** Joint Application of Pennsylvania-American Water Company and Winona Lakes Utilities, Inc. for approval of: 1) the transfer, by sale, of the Winona Lakes Utilities, Inc. assets, property and rights related to Section 18 of its wastewater system to Pennsylvania-American Water Company; 2) the commencement by Pennsylvania-American Water Company of wastewater service in the Section 18 portion of the certificated service territory of Winona Lakes Utilities, Inc.; and 3) the abandonment by Winona Lakes Utilities, Inc. of all wastewater service to the public in the Section 18 portion of its wastewater system.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before May 6, 2002, under 52 Pa. Code (relating to public utilities).

*Applicant:* Pennsylvania-American Water Company and Winona Lakes Utilities, Inc.

*Through and By Counsel:* Velma A. Redmond, Esquire,  
Susan Simms Marsh, Esquire, 800 West Hersheypark  
Drive, P. O. Box 888, Hershey, PA 17033-0888.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-731. Filed for public inspection April 19, 2002, 9:00 a.m.]

### Water Service

**A-212285F0101. Pennsylvania-American Water Company.** Application of Pennsylvania-American Water Company for approval of the right to offer, render, furnish or supply water service to the public in portions of Caln Township, Chester County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before May 6, 2002, under 2 Pa. Code (relating to public utilities).

*Applicant:* Pennsylvania-American Water Company

*Through and By Counsel:* Velma A. Redmond, Esquire,  
Susan Simms Marsh, Esquire, 800 West Hersheypark  
Drive, P. O. Box 888, Hershey, PA 17033-0888.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-732. Filed for public inspection April 19, 2002, 9:00 a.m.]

### Water Service

**A-212285F0100 and A-213495F2000. Pennsylvania-American Water Company and Winona Lakes Utilities, Inc.** Joint Application of Pennsylvania-American Water Company and Winona Lakes Utilities, Inc. for approval of: 1) the transfer, by sale, of the water works property and rights of the Winona Lakes Utilities, Inc. water system to Pennsylvania-American Water Company; 2) the commencement by Pennsylvania-American Water Company of public water service in the certificated service territory of Winona Lakes Utilities, Inc.; and 3) the abandonment by Winona Lakes Utilities, Inc. of all water service to the public.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before May 6, 2002, under 52 Pa. Code (relating to public utilities).

*Applicant:* Pennsylvania-American Water Company and Winona Lakes Utilities, Inc.

*Through and By Counsel:* Velma A. Redmond, Esquire,  
Susan Simms Marsh, Esquire, 800 West Hersheypark  
Drive, P. O. Box 888, Hershey, PA 17033-0888.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-733. Filed for public inspection April 19, 2002, 9:00 a.m.]

### Water Service

**A-210104F0015 and A-210048F2000. Pennsylvania Suburban Water Company and The Ariana Corporation.** Application of Pennsylvania Suburban Water Company and The Ariana Corporation for approval of: 1) the acquisition by Pennsylvania Suburban Water Company of the water system assets of The Ariana Corporation; 2) the right of Pennsylvania Suburban Water Company to begin to offer, render, furnish or supply water service to the public in a portion of Moore Township, Northampton County, PA; and 3) the abandonment by The Ariana Corporation of public water service within Moore Township, Northampton County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before May 6, 2002, under 52 Pa. Code (relating to public utilities).

*Applicant:* Pennsylvania Suburban Water Company and The Ariana Corporation

*Through and By Counsel:* Mark J. Kropilak, Esquire,  
Vice President and General Counsel, 762 West Lancaster  
Avenue, Bryn Mawr, PA 19010.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-734. Filed for public inspection April 19, 2002, 9:00 a.m.]

## STATE BOARD FOR CERTIFICATION OF WATER AND WASTEWATER SYSTEMS OPERATORS

### Meetings for 2002

The State Board for Certification of Water and Wastewater Systems Operators, which was formerly named the State Board for Certification of Sewage Treatment Plant and Waterworks Operators, has scheduled the following additional meetings for 2002. The meetings will be held at 9 a.m. in the Rachel Carson State Office Building on the following dates: April 23, 2002, May 17, 2002 and June 21, 2002.

Agendas and meeting materials will be available on the Department of Environmental Protection's website ([www.dep.state.pa.us](http://www.dep.state.pa.us)) prior to each meeting. Questions concerning the meetings may be directed to Lynn Rice at (717) 787-5236 or e-mailed to [mlrice@state.pa.us](mailto:mlrice@state.pa.us). Persons who want to attend the meetings and need an accommodation due to a disability should contact Lynn Rice in advance so arrangements can be made.

KATHY W. KEYES,  
*Secretary*

[Pa.B. Doc. No. 02-735. Filed for public inspection April 19, 2002, 9:00 a.m.]

## STATE BOARD OF FUNERAL DIRECTORS

**Bureau of Professional and Occupational Affairs v.  
Michael M. Fisher and Liebegott-Fisher Funeral  
Home, Inc.; Doc. No. 1349-48-2001**

On March 12, 2002, the State Board of Funeral Directors (Board) issued an adjudication and order which revoked the license to practice funeral directing and levied a civil penalty of \$3,000 on Liebegott-Fisher Funeral Home, Inc., license number FR-000285-L, and levied a civil penalty of \$2,000 on Michael M. Fisher, license number FD-012888-L.

Individuals may obtain a copy of the adjudication by writing to Thomas A. Blackburn, Board Counsel, State

Board of Funeral Directors, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final agency decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of the petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

JAMES O. PINKERTON, FD  
*Chairperson*

[Pa.B. Doc. No. 02-736. Filed for public inspection April 19, 2002, 9:00 a.m.]

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# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

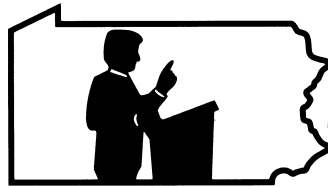
30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
PA Department of Community and Economic Development  
374 Forum Building  
Harrisburg, PA 17120  
800-280-3801 or (717) 783-5700

### Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services

Location: Harrisburg, Pa.

Duration: 12/1/93-12/30/93

Contact: Procurement Division  
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:)  
Vendor Services Section  
717-787-2199 or 717-787-4705

### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, *"Frequently Asked Questions About State Contracts,"* explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**

Pennsylvania State Treasury  
Room G13 Finance Building  
Harrisburg, PA 17120  
717-787-2990  
1-800-252-4700

BARBARA HAFER,  
*State Treasurer*

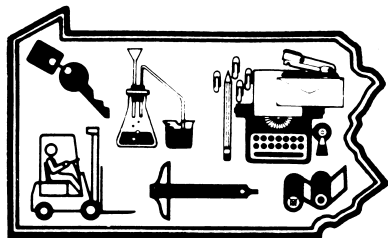
Effective April 15, 2002, the Department of General Services (Department), Bureau of Purchases, will no longer send vendors notices of the availability of invitations for bids or requests for proposals (by fax or other means). Bidding/contracting opportunities will be posted on the Department's website. Vendors who are interested in competing for a particular contracting opportunity with this Commonwealth will be able to download the particular invitation for bids or request for proposals.

The website address for viewing bidding/contracting opportunities and for obtaining copies of invitations for bids and requests for proposals is [www.dgs.state.pa.us](http://www.dgs.state.pa.us). To access the information on this website, vendors must select "Procurement" followed by "Bidding Opportunities."

If a vendor wishing to participate does not have access to a computer, public libraries offer free access to the Internet. Additionally, a vendor can obtain a copy of an individual invitation for bids or request for proposals by calling Vendor Services at (717) 787-2199 or (717) 787-4705, or by visiting us at 414 North Office Building, Harrisburg, PA.

Contact Susan Plecker, Website Manager, at (717) 787-1105 or Ray Cunningham, Vendor Information Section Supervisor, at (717) 787-5862, concerning questions or problems in gaining access to bidding/contracting opportunities information or in locating and downloading invitations for bids or requests for proposals.

KELLY POWELL LOGAN,  
*Secretary*



### Commodities

5318 Ceiling panels, aluminum, 12" x 24".

**Department:** Public Welfare  
**Location:** Torrance State Hospital, S.R. 1014, Torrance, PA 15779  
**Duration:** 30 days after receipt of purchase order  
**Contact:** Nancy E. Byers (724) 459-4677

5319 Aluminum doors and frames.

**Department:** Public Welfare  
**Location:** Torrance State Hospital, S.R. 1014, Torrance, PA 15779  
**Duration:** 30 days after receipt of order  
**Contact:** Nancy E. Byers (724) 459-4677

2540-04 Graders; Loaders; Backhoe-Loaders (PA Dot Specified). For a copy of bid package fax request to (717) 787-0725 or by calling our Faxback System at (717) 705-6001. BID OPENING 04/22/02

**Department:** General Services  
**Location:** Various, PA  
**Duration:** Contract Period 7/01/02—6/30/03  
**Contact:** Vendor Services (717) 787-2199

1292211 Converted Van Type Wheelchair/Passenger Vehicle. For a copy of bid package fax request to Vendor Services at (717) 787-0725 or by calling our Faxback System at (717) 705-6001. BID OPENING 04/29/02

**Department:** Public Welfare  
**Location:** Selinsgrove, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-0725

1284381 Roll-Back/Tilt Bed Truck. For a copy of bid package fax request to (717) 787-0725 or by calling our Faxback System at (717) 705-6001. BID OPENING 04/29/02

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

8960-01 Drinking Water. For a copy of bid package fax request to (717) 787-0725 or by calling our Faxback System at (717) 705-6001. BID OPENING 04/19/02

**Department:** General Services  
**Location:** Various, PA  
**Duration:** Contract Period: 7/01/02—6/30/03  
**Contact:** Vendor Services (717) 787-2199

1353381 Conventional Truck Tractor with Day Cab. For a copy of bid package fax request to (717) 787-0725 or by calling our Faxback System at (717) 705-6001. BID OPENING 04/24/02

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

8211020 Liquid Bituminous Material. For a copy of bid package fax request to (717) 787-0725 or by calling our Faxback System at (717) 705-6001. BID OPENING 04/26/02

**Department:** Transportation  
**Location:** Bellefonte, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

8251590 Bituminous Kettle. For a copy of bid package fax request to (717) 787-0725 or by calling our Faxback System at (717) 705-6001. BID OPENING 04/22/02

**Department:** Transportation  
**Location:** Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

1309151 Software: Retail Pro or Equivalent. Vendor Shall Provide and Install a Software Point of Sale System called "Retail Pro" or Equivalent for the Federal Surplus Warehouse. For a copy of bid package fax request to Vendor Services at (717) 787-0975 or by calling our FaxBack System at (717) 705-6001. BID OPENING 04/24/02

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**1348151** Furnish and Setup of 8 Basketball Backstops with Patented Dynamic Sub-Frames and Other Accessories Manufactured by Schelde North America. NO SUBSTITUTE. For a copy of bid package fax request to Vendor Services (717) 787-0725 or by calling our FaxBack System at (717) 705-6001. BID OPENING 04/24/02

**Department:** State System of Higher Education  
**Location:** University of Pittsburgh, Pittsburgh, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**1329351** Air Monitoring Shelter. Ekto 8810. No Substitute. For a copy of bid package fax request to Vendor Services at (717) 787-0725 or by calling our FaxBack System at (717) 705-6001. BID OPENING 04/24/02

**Department:** Environmental Protection  
**Location:** Harrisburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**8141970** Bituminous Material. Complete in Place. For a copy of bid package fax request to (717) 787-0725 or by calling our Faxback System at (717) 705-6001. BID OPENING 04/29/02

**Department:** Transportation  
**Location:** Meadville, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**5820-02** Two-Way Radio Equipment and Accessories. For a copy of bid package fax request to (717) 787-0725 or by calling our FaxBack System at (717) 705-6001. BID OPENING 04/24/02

**Department:** General Services  
**Location:** Various, PA  
**Duration:** Contract Period: 7/01/02—6/30/03  
**Contact:** Vendor Services (717) 787-2199

**7920-07** Scouring Pads. For a copy of bid package fax request to Vendor Services at (717) 787-0725 or by calling our FaxBack System at (717) 705-6001. BID OPENING 05/01/02

**Department:** General Services  
**Location:** Harrisburg, PA  
**Duration:** Contract Period: 6/01/02—5/31/03  
**Contact:** Vendor Services (717) 787-2199

**8191100** Plant Mixed Bituminous Material - Base Course. For a copy of bid package fax request to Vendor Services at (717) 787-0725 or by calling our FaxBack System at (717) 705-6001. BID OPENING 04/26/02

**Department:** Transportation  
**Location:** Greensburg, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

**1377111** Warehouse Heavy Duty Pallet Racking & Decking. For a copy of bid package fax request to Vendor Services at (717) 787-0725 or by calling our FaxBack System at (717) 705-6001. BID OPENING 05/01/02

**Department:** Corrections  
**Location:** Pittsburgh, PA  
**Duration:** FY 2001-02  
**Contact:** Vendor Services (717) 787-2199

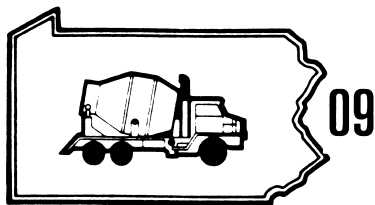
**9905-08 Supplement #1** Plastic Work Area Signs and Stop/Slow Paddles. For a copy of bid package fax request to Vendor Services at (717) 787-0725 or by calling our FaxBack System at (717) 705-6001. BID OPENING 05/01/02

**Department:** General Services  
**Location:** Various, PA  
**Duration:** Contract Period: Date of Award - 06/30/03  
**Contact:** Vendor Services (717) 787-2199

**LBLA 1288** Sensory stimulation devices and accessories. Fax requests for bid packages to 570-372-5675.

**Department:** Public Welfare  
**Location:** Selinsgrove Center, 1000 US Highway 522, Selinsgrove, PA 17870  
**Contact:** Arletta K. Ney, PA (570) 372-5670

## SERVICES



### Construction & Construction Maintenance

**8000-05853** Contractor to provide all material and labor to do approximately 2,650 sq. yds. of paving at the State Correctional Institution, Waynesburg.

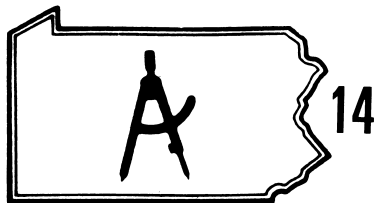
**Department:** Corrections  
**Location:** SCI-Waynesburg, 373 Prison Road, Waynesburg, PA 15370  
**Duration:** 5/01/02—6/30/02  
**Contact:** Judith Cook (724) 852-5609



### Financial and Insurance Consulting

**rfp #swif/02-2002** Provide actuarial services to the State Workers' Insurance Fund.

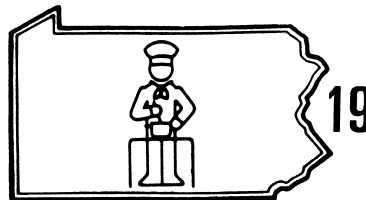
**Department:** Labor and Industry  
**Location:** State Workers' Insurance Fund, 100 Lackawanna Ave., Scranton, PA 18503  
**Duration:** One (1) year contract with four (4) one (1) year options to be exercised at SWIF's discretion.  
**Contact:** Mark Pozaic (570) 941-1914



### Engineering Services

**PennDOT-ECMS** The Pennsylvania Department of Transportation has established a website advertising for the retention of engineering firms. You can view these business opportunities by going to the Department of Transportation's Engineering and Construction Management System at [www.dot2.state.pa.us](http://www.dot2.state.pa.us).

**Department:** Transportation  
**Location:** Various  
**Contact:** [www.dot2.state.pa.us](http://www.dot2.state.pa.us)



### Food

**4021** Miscellaneous Frozen Foods Contract for July, August and September 2002. Please send a fax with your company name, address, Federal ID number, telephone and fax numbers to 570-587-7108 to request a bid package. Bid packages cannot be faxed.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505  
**Duration:** July 1, 2002—September 30, 2002  
**Contact:** Stanley Rygelski, PA (570) 587-7291

**#8389 A-B** Perishable Food Items as follows: #8389-A Bread, Rolls & Doughnuts and #8389-B Pies & Cakes. Commodities and quantities available from the Purchasing Office, Ebensburg Center, Rt. 22 West, P. O. Box 600, Ebensburg, PA 15931. Awards will be made in the best interest of the Commonwealth.

**Department:** Public Welfare  
**Location:** Ebensburg Center (Dietary Building), Department of Public Welfare, Rt. 22 West, P. O. Box 600, Ebensburg, PA 15931  
**Duration:** July 1, 2002 thru December 31, 2002  
**Contact:** Nannette McCreary, Clerk Typist (814) 472-0290

**#8387 A-K** Perishable Food Items as follows: #8387-A Meat & Meat Products, #8387-B Poultry & Poultry Products, #8387-C Miscellaneous Foods, #8387-D Produce, #8387-E Prepared Salads-Fresh, #8387-F Fruits & Vegetables-Frozen, #8387-G Dairy Products, #8387-H Cheese, #8387-I Fish & Fish Products, #8387-J Frozen Juices, #8387-K Ice Cream & Sherbert & Related Novelties. Commodities and quantities available from the Purchasing Office, Ebensburg Center, Rt. 22 West, P. O. Box 600, Ebensburg, PA 15931. Awards will be made in the best interest of the Commonwealth.

**Department:** Public Welfare  
**Location:** Ebensburg Center (Dietary Building), Department of Public Welfare, Rt. 22 W., P. O. Box 600, Ebensburg, PA 15931  
**Duration:** July 1, 2002 thru September 30, 2002  
**Contact:** Nannette McCreary, Clerk Typist 3 (814) 472-0290

**4022** Juice Drinks, Frozen contract, 4 oz. containers for July, August and September 2002. Please send a fax with your company name, address, Federal ID Number, telephone and fax numbers to 570-587-7108 to request a bid package. Bid packages cannot be faxed.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505  
**Duration:** July 1, 2002—September 30, 2002  
**Contact:** Stanley Rygelski, PA (570) 587-7291

**#AC 8388 A-L** Perishable Food Items as follows: #AC 8388-A Meat & Meat Products, #AC 8388-B Poultry & Poultry Products, #AC 8388-C Miscellaneous Foods, #AC 8388-D Produce, #AC 8388-E Prepared Salads-Fresh, #AC 8388-F Fruits & Vegetables-Frozen, #AC 8388-G Dairy Products, #AC 8388-H Cheese, #AC 8388-I Fish & Fish Products, #AC 8388-J Frozen Juices, #AC 8388-K Ice Cream & Sherbert & Related Novelties and #AC 8388-L Shell Eggs. Commodities and quantities available from the Purchasing Office, Ebensburg Center, Rt. 22 West, P. O. Box 600, Ebensburg, PA 15931. Awards will be made in the best interest of the Commonwealth.

**Department:** Public Welfare  
**Location:** Altoona Center (Storeroom), Department of Public Welfare, 1515 Fourth Street, Altoona, PA 16601  
**Duration:** July 1, 2002 thru September 30, 2002  
**Contact:** Nannette McCreary, Clerk Typist (814) 472-0290

**4013** Meat Contract, Frozen for July, August & September 2002. Please send a fax with your company name, address, Federal ID Number, phone and fax numbers to 570-587-7108 to request a bid package. Bid packages cannot be faxed.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505  
**Duration:** July 1, 2002—September 30, 2002  
**Contact:** Stanley Rygelski, PA (570) 587-7291

**4014** Poultry Contract, Frozen for July, August and September 2002. Please send a fax with your company name, address, Federal ID Number, telephone and fax numbers to 570-587-7108 to request a bid package. Bid packages cannot be faxed.

**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505  
**Duration:** July 1, 2002—September 30, 2002  
**Contact:** Stanley Rygelski, PA (570) 587-7291

**4018** Dairy Contract for July, August and September 2002. Please send a fax with your company name, address, Federal ID Number, telephone and fax numbers to 570-587-7108 to request a bid package. Bid packages cannot be faxed.

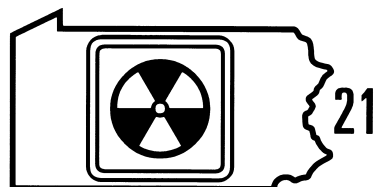
**Department:** Public Welfare  
**Location:** Clarks Summit State Hospital, 1451 Hillside Drive, Clarks Summit, PA 18411-9505  
**Duration:** July 1, 2002—September 30, 2002  
**Contact:** Stanley Rygelski, PA (570) 587-7291

**PB-02-01** Bread: 23 oz. loaves, 28 servable slices. No pork or pork by-products. White Bread - 150,000 loaves. Wheat Bread - 20,000 loaves. Quantities are estimated.

**Department:** Corrections  
**Location:** State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, PA 17866  
**Duration:** July 1, 2002, through June 30, 2003  
**Contact:** Nancy A. Lasko, Purchasing Agent (570) 644-7890, Ext. 142

**PB-02-02** To be bid out by the institution as needed. Milk: 2% Butter Fat. Vitamin A & D Fortified, homogenized, half pint containers - 580,000 containers. Milk - Skim: Half pint containers - 26,000 containers. All milk to conform to Title 7, PA Code Chapter 50 of the Milk Sanitation and standards. Sour Cream: Real dairy - 5 lb. containers - 600 lbs. Quantities are estimated. To be bid out by the institution as needed.

**Department:** Corrections  
**Location:** State Correctional Institution at Coal Township, 1 Kelley Drive, Coal Township, PA 17866  
**Duration:** July 1, 2002, through June 30, 2003  
**Contact:** Nancy A. Lasko, Purchasing Agent (570) 644-7890, Ext. 142



## Hazardous Material Services

**SP3520024643** Provide pickup, packaging, transportation and disposal of hazardous waste for the Department of Environmental Protection Laboratory located in Harrisburg, Pennsylvania.

**Department:** Environmental Protection  
**Location:** Harrisburg, PA  
**Duration:** Through 6/30/05, with option to renew  
**Contact:** Sherry Morrow (717) 772-1216



## Janitorial Services

**FM-8522** Furnish all materials, equipment and labor to perform janitorial services four (4) visits per week at the Troop D, Mercer Station. Detailed work schedule to be coordinated with Station Commander. Bid specifications can be obtained from the Facility Management Division.

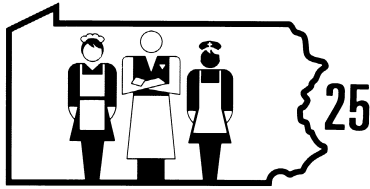
**Department:** State Police  
**Location:** Troop D, Mercer Station, 826 Franklin Road, Mercer, PA 16137  
**Duration:** July 1, 2002, through June 30, 2005  
**Contact:** Stacey Logan-Kent (717) 705-5952



## Laboratory Services

**SP1345021009** Vendor will provide complete medical laboratory services, including but not limited to pick-up & delivery, all supplies, and phlebotomist - as requested and required by the Southeastern Veterans Center, Chester County, Spring City, PA 19475. Interested vendors can fax their requests to the attention of Theresa Barthel at 610-948-2461 OR e-mail at TBARTHEL@STATE.PA.US

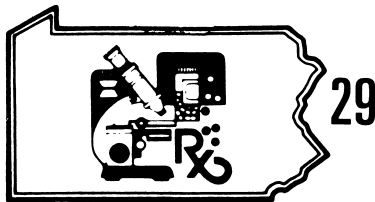
**Department:** Military Affairs  
**Location:** Southeastern Veterans Center, 1 Veterans Drive, Spring City, PA 19475  
**Duration:** July 1, 2002 thru June 30, 2003  
**Contact:** Joan Gutchen (610) 948-2492



### Laundry/Dry Cleaning & Linen/Uniform Rental

**SP1345021008** Vendor shall supply dry cleaning services of window treatments (including but not limited to, draperies and resident privacy curtains belonging to the Southeastern Veterans Center (SEVC)), One Veterans Drive, Spring City, PA 19475. Items must be picked up by the vendor and returned within 5 working days. Interested bidders may request bid packages either by fax at 610-948-2461 or e-mail at TBARTHEL@STATE.PA.US

**Department:** Military Affairs  
**Location:** Southeastern Veterans Center, 1 Veterans Drive, Spring City, PA 19475  
**Duration:** July 1, 2002 thru June 30, 2003  
**Contact:** Joan Gutchen, P.A. (610) 948-2492



### Medical Services

**SP2501011** The Commonwealth of Pennsylvania, Board of Probation & Parole (PBPP) is soliciting bids for licensed clinical psychologist or psychiatric providers to perform psychological assessments of candidates for Parole Agent positions. The role of the provider will be to assess the candidate's psychological attributes to determine whether the candidate has the appropriate attributes needed to perform the essential functions of the job, to detect attributes that may adversely impact job performance, and to make a decision about the individual's suitability for employment from a psychological viewpoint based on the provider's evaluation as well as administration standards and psychological guidelines established for the PBPP. The services shall be provided in the Western Region of the Commonwealth of Pennsylvania, including the following counties: Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Fulton, Greene, Huntingdon, Indiana, Jefferson, Lawrence, McKean, Mercer, Mifflin, Somerset, Venango, Warren, Washington, and Westmoreland.

**Department:** Probation and Parole Board  
**Location:** Western Region of the State of Pennsylvania  
**Duration:** The term of the contract resulting from this solicitation shall be for three years with the option to renew the contract for an additional two years at 1 year intervals.  
**Contact:** Dawn Eshenour (717) 787-1989

**SP2501013** The Commonwealth of Pennsylvania, Board of Probation & Parole (PBPP) is soliciting bids for licensed physicians/medical providers to perform medical examinations for candidates for Parole Agent positions. The role of the licensed, examining physician is to evaluate the individual's health status, determine the etiology of any disease or conditions, and make a decision about the individual's suitability for employment from a medical viewpoint based on the physician's evaluation, the physically demanding tasks of the job, and the medical guidelines established for the PBPP. The services shall be provided in the Western Region of the Commonwealth of Pennsylvania, including the following counties: Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Fulton, Greene, Huntingdon, Indiana, Jefferson, Lawrence, McKean, Mercer, Mifflin, Somerset, Venango, Warren, Washington and Westmoreland.

**Department:** Probation and Parole Board  
**Location:** Western Region of the State of Pennsylvania  
**Duration:** The term of the contract resulting from this solicitation shall be for three (3) years with the option to renew the contract for an additional two (2)  
**Contact:** Michelle Flynn (717) 787-8879

**SP2501010** The Commonwealth of Pennsylvania, Board of Probation & Parole (PBPP) is soliciting bids for licensed clinical psychologist or psychiatric providers to perform psychological assessments of candidates for Parole Agent positions. The role of the provider will be to assess the candidate's psychological attributes to determine whether the candidate has the appropriate attributes needed to perform the essential functions of the job, to detect attributes that may adversely impact job performance, and to make a decision about the individual's suitability for employment from a psychological viewpoint based on the provider's evaluation as well as administration standards and psychological guidelines established for the PBPP. The services shall be provided in the Eastern Region of the Commonwealth of Pennsylvania. Bidding vendors must have a facility in Pennsylvania where candidates will be examined within a 100-mile radius of the Eastern Region Office located at 1400 Spring Garden Street, Philadelphia.

**Department:** Probation and Parole Board  
**Location:** Eastern Region of Pennsylvania  
**Duration:** The term of the contract resulting from this solicitation shall be for three (3) years with the option to renew the contract for an additional two (2) years at one (1) year intervals.  
**Contact:** Dawn Eshenour (717) 787-1989

**SP2501012** The Commonwealth of Pennsylvania, Board of Probation & Parole (PBPP) is soliciting bids for licensed physicians/medical providers to perform medical examinations for candidates for Parole Agent positions. The role of the licensed, examining physician is to evaluate the individual's health status, determine the etiology of any disease or conditions, and make a decision about the individual's suitability for employment from a medical viewpoint based on the physician's evaluation, the physically demanding tasks of the job, and the medical guidelines established for the PBPP. The services shall be provided in the Eastern Region of the Commonwealth of Pennsylvania. Bidding vendors must have a facility in Pennsylvania where candidates will be examined within a 100-mile radius of the Eastern Region Office located at 1400 Spring Garden Street, Philadelphia.

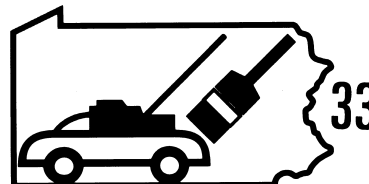
**Department:** Probation and Parole Board  
**Location:** Eastern Region of Pennsylvania  
**Duration:** The term of the contract resulting from this solicitation shall be for three (3) years with the option to renew the contract for an additional two (2) years at one (1) year intervals.  
**Contact:** Michelle Flynn (717) 787-8879

**20974006** Contractor to provide outpatient Electro-Convulsive Therapy (ECT) & necessary Monitoring for Warren State Hospital patients.

**Department:** Public Welfare  
**Location:** Warren State Hospital, 33 Main Dr., N. Warren, PA 16365-5099  
**Duration:** 7/01/02—6/30/04 (Estimated)  
**Contact:** Ms. Bobbie Muntz, PA III (814) 726-4496

**SP1345021007** Vendor shall provide complete dental clinic services on the grounds of the Southeastern Veterans Center. Services shall be provided to all residents of SEVC. SEVC shall supply sufficient space, equipment, facilities and fixtures. Vendor shall function as a consultant to SEVC regarding installation, maintenance and replacement of all reasonable, necessary equipment, facilities and fixtures. Anyone interested in receiving bid packages can request them in one of the following ways: Fax at 610-948-2461, OR E-mail at TBARTHEL@STATE.PA.US

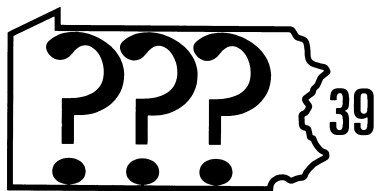
**Department:** Military Affairs  
**Location:** Southeastern Veterans Center, 1 Veterans Drive, Spring City, PA 19475  
**Duration:** July 1, 2002 thru June 30, 2003  
**Contact:** Joan Gutchen, P.A. (610) 948-2492



### Property Maintenance

**040156** The Pennsylvania Department of Transportation District 4-0 requires the planting of evergreens, ornamental trees, the preparation and planting of shrub beds and grass seeding on the newly constructed Hazleton Beltway at the intersection of State Route 424 and State Route 309 located in Hazleton area of Luzerne County. Specifications may be obtained from the District Roadside Unit by faxing your request to 570-963-4245 Attn: Roadside Unit, by phoning (570) 963-4048 between the hours of 8 a.m. and 4 p.m. Monday thru Friday, or by email to mspaide@dot.state.pa.us.

**Department:** Transportation  
**Location:** Hazleton  
**Duration:** 18 months  
**Contact:** Martha Spaide (570) 963-4048

**Miscellaneous**

**BE-01003** Graphic Services - Provide film negatives, proofs and scans. Output and services from application computer files (Macintosh and IBM).

**Department:** Fish and Boat Commission

**Location:** Harrisburg, PA

**Duration:** July 1, 2002 to June 30, 2003, with options to extend

**Contact:** Dennis Grove (717) 705-7915

**SP3520024224** Provide telephone answering service on an as-needed basis for the Department of Environmental Protection, Office of Field Operations.

**Department:** Environmental Protection

**Location:** Harrisburg, Pennsylvania

**Duration:** Through 6/30/03, with option to renew.

**Contact:** Sherry Morrow (717) 772-1216

**SP 3102007** The PA Emergency Management Agency (PEMA) is soliciting bids to provide a series of training courses for hospital emergency departments and emergency medical services personnel on the evaluation and treatment of radiological contaminated injured individuals. To receive a bid package please contact Fiscal Management at (717) 651-2189 or send an e-mail to [jdimpsey@state.pa.us](mailto:jdimpsey@state.pa.us) referencing SP3102007.

**Department:** PA Emergency Management Agency

**Location:** Various locations within the Commonwealth of PA

**Duration:** July 1, 2002 through June 30, 2003

**Contact:** Jill R. Dimpsey (717) 651-2189

[Pa.B. Doc. No. 02-737. Filed for public inspection April 19, 2002, 9:00 a.m.]

## DESCRIPTION OF LEGEND

- |  |   |
|--|---|
| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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KELLY POWELL LOGAN,  
*Secretary*

**Contract Awards**

The following awards have been made by the Department of General Services, Bureau of Purchases:

<b>Requisition or Contract No.</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
9330-02	04/09/02	Plascon	\$494,288.97
1278111-01	04/08/02	Government Electronics	50,505.00
1295151-01	04/08/02	Tony Domiano Auto Dealer- ships	68,997.00

<b>Requisition or Contract No.</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
8251600-01	04/08/02	Highway Equipment & Supply KELLY POWELL LOGAN, <i>Secretary</i>	194,919.00

[Pa.B. Doc. No. 02-738. Filed for public inspection April 19, 2002, 9:00 a.m.]